

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
EIGHTH DAY
MAY 13, 2003**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND DONNA CATALANO, COURT REPORTERS

[TRANSCRIBED BY DONNA CATALANO-COURT STENOGRAPHER]

(* THE MEETING WAS CALLED TO ORDER AT 9:28 A.M. *)

P.O. POSTAL:

Henry, roll call, please.

(THE ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not present)

LEG. TOWLE:

(Not present)

LEG. VILORIA-FISHER:

Here.

LEG. HALEY:

(Not present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

Here.

LEG. ALDEN:

(Not present)

LEG. CARPENTER:

Here.

LEG. CRECCA:

(Not present)

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not present)

LEG. BINDER:

(Not present)

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARACAPPA:

(Not present)

P.O. POSTAL:

Here.

MR. BARTON:

Ten present.

LEG. TONNA:

Please rise for the Salute to the Flag led by Legislator Caracciolo.

SALUTATION

(LEGISLATORS ALDEN AND CRECCA ENTERED)

P.O. POSTAL:

Please remain standing. Please remain standing. It is my pleasure to introduce Legislator Caracciolo to introduce our guest clergy.

LEG. CARACCIOLO:

Thank you, Madam Chair. Good morning, and it's my pleasure once again to invite back to the horseshoe Reverend Scofield of the First Congregational Church here in the great Hamlet and County Seat of Riverhead. Reverend Scofield has been here before, as I just mentioned, and I thought this time around we'd tell the gathering here a little bit about your church, the work -- all the fine work you do to reach out to local residents with your food pantry and other services and a little bit about the Congregational Church and its foundation here actually across the river in the Town of Riverhead.

As he pointed out to me this morning, the first of the four Congregational Churches in the Town of Riverhead was founded probably in the late 1700s in the Hamlet of Jamesport. That was followed by a neighborhood church just a little bit to the west in Aquebogue, followed by one in my hamlet, Baiting Hollow. And finally, and this is interesting, because when you think of development, we always think of the downtown areas as being the places where things start. Well, as we know from history, Long Island actually was developed east to west. But that said, Riverhead finally opened its own Congregational Church in 1734. And I will now pass the microphone to Reverend Scofield for this morning's...

REVEREND SCOFIELD:

Thank you, Michael. Let us pray. Lord, give us and this Suffolk County Legislature courage to confront ourselves honestly and shut the pretense, strip to the real, to act justly with those close to us, to advocate justice for those at some remove, to work to heal what is injured in our lives and celebrate the wondrous rest. Oh, God, lead this Legislature in the narrow way of trust, for wide is the way of distrust, painful the destruction it twists to. Lighten the baggage we load on ourselves and others when we behave as though we're sure of our choices than we are or can ever be. Ease our anxiety about being wrong or exposed as a fool, for we are always at least a little of both, and all the more we deny we are either.

Deepen our trust, that together this community and this Legislature can unravel the snarls of our lives, the knots we tie ourselves into. That so we lead, we might help untie the knots we tie others into. And then go with us, into all our aches so deep, we are forced to sort out what matters and to be buoyed by it in this illusion flooded world.

Empower this Legislature to be a bold participant, rather than a timid saint in waiting in the difficult ordinariness of now, to exercise the authority of honesty, rather than to defer to power or to deceive to get it, to influence someone for justice, rather impressing someone for gain. And by grace, to find treasures of joy, of friendship, of peace hidden in the fields of the daily that you give us to plow. Amen.

P.O. POSTAL:

Thank you. Please be seated. I would like to announce Legislator Caracciolo for the purpose of a presentation.

LEG. CARACCILO:

Thank you, Madam Chair, once again. And once again this morning, it's my pleasure and privilege to introduce two student athletes. These two young ladies exemplify what many of our young people in high schools, grammar schools and middle schools throughout this nation exemplify, and that is boldness, intelligence and a desire to win, and win they have. The first young lady I'd like to introduce is only in 10th grade, in Shoreham-Wading River High School. She is, as both of them are, a scholar athlete. She has maintained unweighted average of a perfect 4.0 or an A average the first two years of high school. She's been a member of both the winter and spring female track team, and I should point out, it's unfortunate that Coach Koretzki had to leave, but he has in our local community become an institution, an inspiration. He has coached so many teams and so many individuals who have gone on into college and beyond to represent not only their communities and their schools, but this nation of ours. Lauren, in Spring of 2002 at the New York State meet won the Class B Gold Medal for high jump. What was the height?

MS. BISCARDI:

Five feet, six inches.

LEG. CARACCILO:

Five feet, six inches. At the 2002 New York State Empire Games, she won the gold medal for high jump, and once again in this past winter track meet, she was New York State Champion for all Classes. Doesn't end there. She has been selected to represent the All American High Jump Competition in Landover, Maryland. Congratulations. We have a proclamation for you, Lauren.

APPLAUSE

LEG. CARACCILO:

That's for you, young lady. There you go. Just look over at the photographer. The second of these two fine young women is also a member of the Shoreham-Wading River High School, a senior soon to graduate, and in her four years of high school has maintained a 3.8 unweighted grade point average. She scored 1330 on the SATs, she's been a member of both the winter and spring track teams for the past five years going back to middle school, and a member of the varsity cross country team from freshman year. She has amassed in her shortened tenure 16 medals in state competition. Last spring, she was the silver medalist in 2000 meter steeple chase. Last fall, she was also the silver medalist in cross country. This past winter she anchored the Suffolk County Intersectionals 1600 meter relay that won the gold medal, and

listen to this, broke the state record. Congratulations.

APPLAUSE

LEG. CARACCIOLO:

Okay. They have to get back to school. And, Madam Chair, I do have one more presentation. And these are to a group of young fine men from right here in the County Seat Mercy High School. I think they're right on cue. So if the coach can hear me -- they look bashful, don't they? Good morning, gentlemen. Thanks for coming in. If the coaches could come to the head of the class.

Once again, Madam Chair and members of the Legislature, it's my pleasure to introduce to you the class D High School Basketball Champions of Suffolk County this year, the Mercy Monarchs, here they are.

APPLAUSE

LEG. CARACCIOLO:

All right. Well, this year, the team had a new coach, and with that I believe they had a new vision, a lot of spirit, a lot of enthusiasm, a lot of motivation. Coach, I don't know what you did, but you did it. It's my understanding the year before last the team didn't do too well. What was its record then?

COACH { KLOMBERG } :

Two and 16.

LEG. CARACCIOLO:

Two and 16. And here they are this morning, just 12 months later, and they're Suffolk County Class D Champions. And I believe this is the first time in the school's history that's happened.

COACH { KLOMBERG } :

Yeah. Class D, first time in the County championship in 31 years.

LEG. CARACCIOLO:

Thirty-one years, that's fantastic. Let me talk about Coach { Klomberg }. His energized attitude

carried this team to a strong finish in the Section 8 competition and became the top seated team that went on to be victorious in the championship game. Coach {Klomberg} and all of the players displayed, as I said before, tremendous motivation, dedication, team spirit and good sportsmanship. The Mercy Monarchs should be commended not only in their record and outstanding achievements on the court, but also for the significant roll they played in bringing pride and honor to their fellow students and their school community. And these young men come from across the County, they're not all local residents. So we will momentarily go out into the lobby to make the presentations, individual presentations, but once again, will everyone please join me in a round of applause for the Mercy Monarchs.

APPLAUSE

LEG. CARACCILO:

I would like to recognize one of the other coaches, an old friend and that's George Keys. Thanks for coming down, George. If you would all join me out in the lobby. Thank you, Madam Chair

P.O. POSTAL:

Thank you. Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. If Legislator Carpenter could join me and if Joan Fusco could please step forward. Several weeks ago, we had celebrated the National Nurses Week throughout our country, and there was a dinner last week to honor a whole host of the nurses in Suffolk County, whether the public health nurses or nurses in other fields of work as well. And we have the distinction of having a Suffolk County public health nurse who has worked for many years in the Brentwood Family Health Center as well as give her time to the Girl Scouts of America and to Pronto. We have in the person Joan Fusco, the New York State Nurses Association Nurse of the Year.

Now, this is a person, a dedicated nurse, a dedicated public servant who really typifies what's best in our County work force. So I thought it was fitting and proper not only to give this proclamation the other night among her colleagues, but also have her appear before us here today so we as a group could formally congratulate her and to formally give her this proclamation as a sign of how high we hold our public health nurses here in Suffolk County. And given all the other challenges we have in our County, I thought it was very timely, as well, Joan,

that we would honor you today. And in so honoring Joan, I think we're honoring all public health nurses who serve in the County Health Department. Before I formally give this to you, I would ask.

Ms. Carpenter to say a few words as well, because I know that she knows you through Pronto.

LEG. CARPENTER:

Thank you, Legislator Foley. I too would like offer my congratulations. And just to share with everyone, I have seen Joan in action at Pronto and with the Girl Scouts. She is truly a dedicated volunteer, and to see her recognized in her field of nursing by this organization is really something very, very noteworthy. We are very, very proud of you and all the work that you do, not only in the community through Pronto and Girl Scouts, but especially for what you do with public health nursing, and you really are a role model. Thank you so much, Joan.

APPLAUSE

LEG. FOLEY:

Before we have Joan speak, I must have you know I didn't recognize her this morning. When I see her usually once or twice a year at different events, she gets dressed as Florence Nightingale in period costume, right down to the shoes. So she certainly is not only a person who's dedicated to modern medicine and modern health care, but she also has a history of nursing down to the point of -- down to the point of the actual clothing that was worn at that period of time. So that's part of what she brings to the job as well. So Joan, here's to you.

MS. FUSCO:

That is real clothing from my grandmother, from her family. It is Victorian also. I want to thank you for this award. It's beyond anything I ever expected to achieve in my lifetime, and I will treasure this day always. I just never even expected it; it was a total surprise that night, as you know. I started choking on my cake.

I went into public health nursing -- actually I went into nursing to become a public health nurse. I never aimed to work in the hospital. I always aimed to be a public health nurse, a degree nurse, with a Bachelor's Degree. When I was hired in 1969, there were no clinics. And I was told, no, you cannot work in a clinic, because we need them in Suffolk County, the private sector will take care of our poor. Two years later, I was on the street recruiting house by house in my geographic area people to use the new Brentwood Health Center. I had a team of three

outreach workers. We have again gone back to outreach workers. And teaching people to learn about preventive care when they're in the culture of poverty is very difficult. Preventive medicine is a learned concept, it is a natural concept of a human being, to prevent, you go when you hurt. It's a very hard concept, it's still a hard concept. It's one of the hardest things we teach is preventive medicine.

Pronto was always there to back us up with concrete services, and they are today there for us. Occasionally we have to call on them for food and emergency medications for patients that are uninsured. As a public health nurse, I did case finding as well as targeted teaching, and eventually referrals came to us from the clinics. Our focus at that time was maternal and child health nursing, and I think you will find in your statistics domestic abuse and child abuse was much lower when you had a large contingent of in-home visits, as preventive teaching.

We felt at Pronto there was a need to organize young girls to help keep them productive citizens and have them graduate from high school, so Pronto voted to sponsor our Girl Scout Troop, which is quite active. We have about 22 to 24, depending on who hands in their paperwork, girls involved. And we just got a van, we're very proud that we got a van, finally, and we're not using my old station wagon any more. Girl Scouts has played a big part in the person I am today, and I feel that giving back what I received is important to me. I've had 16 different job titles and ten locations in Suffolk County. All of them on the front line by choice, I had never applied for supervision, I like being on the front line. I love working for all of you, you are my bosses. And it's been a wonderful experience.

And I hope I'm around long enough to see the biggest challenge yet, and that's getting care for the uninsured in a specialty area. I have no where to send my patients, I'm a referral nurse. And we've got a good handle on primary care, but we don't have any handle at all in speciality care at the moment, and it's a crisis. So I hope we can all work together on this. I know our elected officials are doing that at this point. And I thank you. And I have something for Brian.

APPLAUSE

LEG. FOLEY:

Thank you, Joan. We'll be sure to hear from her in the future. And she typifies the passion as well as the professional expertise of public health nurses. And I know we'll hear from them in the near future as well as we get towards budget time. But thank you.

P.O. POSTAL:

Thank you. Before we go to presentations by public officials, I have a few reminders. We will have an Executive Session today at five p.m. with regard to Medicaid pharmaceutical litigation, that's five p.m. today, there will be an Executive Session. Also, you have the seizure law report before you. It has been distributed to all Legislators, so you should find it, it's in your folder.

LEG. GULDI:

No, it's not.

P.O. POSTAL:

The Correction Officers Association is hosting their annual luncheon for Legislators and their staffs today at the Calverton Links Golf Club from 12 noon to two p.m. And I hope everyone will take advantage of the smoking aging demonstration that we have here today in -- I believe it's in the lobby. Oh, it's in the secretarial area in the -- behind this auditorium. It's a fascinating machine that will age you as if you were a smoker and show you -- George doesn't care, now. What we need is a machine that will show us the age of George's lungs.

LEG. GULDI:

Not so.

P.O. POSTAL:

It's a fascinating machine, and I think it's particularly effective for young people who don't think that smoking is ever going to affect them. Brian Foley and I were at a Health Department presentation in the Smithaven Mall a few weeks ago, and there was a 22 year old young woman who was a smoker who used this machine. And I have to tell you that it brought her to tears, and she resolved to stop smoking right then. So I hope that everyone will at some point or another, the machine will be here from right now until one P.M, visit the machine and see what -- if your not a smoker, what you escaped, if your a young smoker, what you can look forward to. And hopefully if you are a smoker, no matter what age you are, you will stop. That's available right now. And we will now -- one last reminder. The Veterans and Seniors Committee will meet at 12 noon here -- 12:30 here in this auditorium today. Now we're going to go to presentations by officials, and we'll start with Todd Johnson.

MR. JOHNSON:

Good morning, Madam Presiding Officer.

P.O. POSTAL:

Put the mike on, we can't hear you.

MR. JOHNSON:

Good morning, Presiding Officer, Deputy Presiding Officer Caracappa and Legislators. I'm not a smoker, but if you develop a machine that shows what you look 20 pounds lighter, I would certainly be interested in seeing that.

LEG. GULDI:

What do you mean 20?

MR. JOHNSON:

This morning, my presentation is brief. I just want to let you know we do have two Certificates of Necessity that should be moving forward today we're considering. One of them is concerning snow removal funding that's needed to pay vendors in light of the heavy winter that we've had. We need to move some money over and get them paid. Also, there's a capital project, we're asking for some funds for a project for the Special Patrol Bureau, \$200,000. You don't have it in front of you, but you will shortly to review them. If you have any questions, I'll be available. And certainly when the CN's come up, I'll be available to answer any questions you have about this. I do possibly have a late starter, if you will allow. Besides that, I have no other questions. I haven't been asked to make any presentations on any specific subjects. I do now know that Dr. Wust-Smith from the Health Department is here to make some comments after me. But besides that, that's all I have.

LEG. VILORIA-FISHER:

I have a question, Madam Chair. In both the Ways and Means Committee and the Health Committee, we discussed means of funding rather than using bonding as a way of funding projects that we would move to BAN's. And we had requested that the County Executive address that today -- at today's meeting. Will there be somebody addressing that, Todd, or how are you planning to work on that?

MR. JOHNSON:

Well, I think there had been some discussion and actually some correspondence between bond

counsel in response to an inquiry onto -- as to what would be the proper process of procedure here.

LEG. VILORIA-FISHER:

Okay.

MR. JOHNSON:

We did speak --

LEG. VILORIA-FISHER:

Well, there was testimony that the resolution would allow the County Executive's Office or that bond counsel had said that we could move to BAN's by just having this correspondence.

P.O. POSTAL:

Legislator Fisher, I'm sorry, but I'm going to have to recess the meeting for five minutes. We do not have a quorum.

(A RECESS WAS TAKEN FROM 9:54 A.M. UNTIL 9:55 A.M.)

P.O. POSTAL:

You can continue, Todd. We have a quorum.

MR. JOHNSON:

Thank you.

LEG. VILORIA-FISHER:

Actually, Madam Chair, I was going to yield to Legislator Guldi, who's the Chair of Ways and Means, who has actually received the correspondence to which Todd referred.

LEG. GULDI:

Yeah. Basically there were some e-mails, if I may, between the Budget Office and bond counsel. They copied me on -- they referenced a specific section of state law that permits the issuance of BAN's when serial bonds have been authorized. I haven't had an opportunity to look at the state law. I'll send my aide to my car to get the -- retrieve the correspondence to give it to all Legislators and Counsel.

MR. JOHNSON:

This is actually something that pertains to the authority of the Comptroller's Office. And the Comptroller's Office was -- we had a conversation with him yesterday. He asked whether he should be here today to discuss this. The resolutions that were held up, we thought could be considered again on June 10th for approval and during --

LEG. VILORIA-FISHER:

Todd, I thought we discharged them without recommendation. I think in Health we did.

MR. JOHNSON:

There was one item that you did discharge, but I believe it had to do with some language concerning appropriating funding versus who can appropriate, whether it was the Legislature who could appropriate --

LEG. VILORIA-FISHER:

Yes.

MR. JOHNSON:

-- or the Comptroller. The language for that resolution has been changed, actually. It no longer says appropriate. So I believe that should -- we should be able to move forward with that. As far as the Comptroller coming forward and speaking on this, we thought that possibly the committee process might be a better dialogue for that since we weren't seeking the resolution to move forward at this time. Okay.

LEG. VILORIA-FISHER:

Thank you, Todd.

MR. JOHNSON:

Thank you.

MR. SABATINO:

Just two quick clarifying points. When I saw the e-mail that was sent to Chairman Guldi -- just so you know what the state statute says is that a municipality may issue the BANs, but the County Comptroller is not a municipality. The only delegation of authority that's been given to

the County Comptroller in the County Administrative Code is for capital notes, it's Section 5-2 of the Administrative Code. So point one is that bond counsel said that the municipality can do it, not the Comptroller. Second point is that if you want to make it mandatory, you'd have to write it in the language. So those are just two points of observation with regard to that.

MR. JOHNSON:

And in response, if you would like to discuss it today, I would suggest that maybe we do call the Comptroller and ask him if he would like to make comments on that today. That's up to the Presiding Officer. If you want that information today, we'll try to get that for you today.

P.O. POSTAL:

That would be fine.

MR. JOHNSON:

Okay.

P.O. POSTAL:

Any other questions for Todd? Okay. Our next speaker is Judge Madeline Fitzgibbons.

JUDGE FITZGIBBONS:

Good morning, Members of the Legislature. I'm here to speak to Resolution 1407. First I'd like to thank the Members of the Space Management Committee, the Ways and Means Committee and hopefully the full Legislature for giving their attention to this resolution, a special thanks to Legislator Bishop for putting this before you. As you know, the County is responsible for finding suitable locations for the operation of the outlying district courts, as well as our court complex in Central Islip. The District Court now is looking to relocate its Second District Court facility from its present facility in Deer Park in Babylon to this new location that we have been looking at over the last year or so in Lindenhurst, the Village of Lindenhurst.

I've had a number of meetings with the Village Administrative Clerk Shawn Cullinane, who's here this morning, as well as with our own Chief Clerk of the District Court Roger Huguenin, who's also here this morning. And this particular site meets the needs of the court. The one thing that was a problem was the parking configuration. There is a small building that is adjacent to the building that we've been looking at, and we have been told that with the acquisition of that property, that the parking can be reconfigured to meet the needs of the

court. So I'm here this morning to ask you to please look at this, and to look at it favorably so that the court can relocate itself at this site and provide to the residents of Suffolk County a good facility for the services that we do provide. If there are any questions, I'd be happy to try and answer them.

P.O. POSTAL:

Thank you, Judge Fitzgibbons.

LEG. VILORIA-FISHER:

Thank you.

JUDGE FITZGIBBONS:

Thank you very much for your time.

P.O. POSTAL:

Dr. Madeline Wust-Smith from the Department of Health.

DR. SMITH:

Good morning, all. It's actually Marliene {Woo} Smith. I am the new acting Deputy Commissioner for the Department of Health, and I'm here representing Dr. Mermelstein who couldn't make it today because of another meeting. And I just wanted to briefly comment on the proposed legislation IR 1143-2003, a Local Law to establish hospital reporting policy for indigent care in Suffolk County.

As you know, reporting of indigent care is required by New York State Public Health Law and also by New York State Department of Health of all hospitals in New York. And part of the way that the state reimburses hospitals, they take into account their -- the amount of indigent care that they give in the way that they reimburse the hospitals. We at the Department of Health fully support the idea that all of our community hospitals should participate in giving care to our indigent. We have, as you know, a network of family health centers that provides preventive care, but there are patients that need hospitalization, and we need the hospitals to partner with us. So we're in full support of having the hospitals work with us.

However, the proposed legislation is of concern to the Department for the following reasons: It's

not clear to us whether or not New York State Public Health Law would preempt any local County legislation, so that would need to be clarified; it isn't clear how this legislation would further the goal of improving hospital services for the indigent. What would we do in the Health Department with the data that we collected? The County does not need, we feel, to duplicate what the state is already doing in this regard. We certainly don't have the capability to provide or restrict funding to hospitals that are already regulated by the state. We feel that these proposed additional requirements in this proposed local law related to care of the indigent may be burdensome for hospital in these difficult financial times.

And similarly, this legislation would have a negative impact for the County health centers -- for the County Health Department because we would have to dedicate resources to provide this proposed legislation. The Department currently has contracts with several hospital within the County and works cooperatively with these hospitals to provide primary care services, and in some cases, some limited in-patient care for the indigent. The Department cannot support legislation that might jeopardize the existing hospital contracts and the staffing of our County operated health centers. It is our opinion that a collaborative effort between the Health Department and the hospitals would be an appropriate and productive mechanism to address improvement in hospital services for the indigent. Any questions?

LEG. VILORIA-FISHER:

Yes, I have a question.

P.O. POSTAL:

Legislator Fisher.

LEG. VILORIA-FISHER:

Good morning, Dr. Wust -- what's the second?

DR. SMITH:

Smith.

LEG. VILORIA-FISHER:

Smith. Dr. Wust-Smith. We spoke at the Health Committee, and we spoke about this issue. And one of the questions that I had asked was regarding the cost of -- that would be imposed upon hospitals because of this resolution. And we talked about how much hospitals were

currently losing because of so many factors that we're well aware of. Can you address that a little bit here?

DR. SMITH:

We feel that although we haven't analyzed it and the hospitals would probably be best equipped to answer that, it would seem to me you need at least a 24-7 social worker dedicated to providing that information to patients. We feel that Legislator Binder had brought up some interesting points at the Health Committee Meeting. Something like posting in conspicuous places, if you have trouble paying your bills, please contact this phone number, this person. But that person needs to be available on a full-time basis with a translator to help people fill out financial aid forms, to help -- it's one thing to address that free care or discounted care is available, but then you actually have to go that next step and provide it, and that requires a lot of manpower.

LEG. VILORIA-FISHER:

That's a good part of the legislation.

DR. SMITH:

Yes.

LEG. VILORIA-FISHER:

The other piece, the reporting piece, which we've already said is somewhat duplicative because it's done on the state level, what kind of cost would that --

DR. SMITH:

At least -- probably one half to a full-time employee on the -- on each hospital's part and at our department in order to collect and put that data into -- onto a website would probably be two to three employees doing basically clerical work, and I don't know to what end it would advance the care to the indigent.

LEG. VILORIA-FISHER:

Okay. Thank you, Doctor.

P.O. POSTAL:

Thank you. Our next speaker is Commissioner of Jurors, Mike O'Donohoe. Mike. I know he's here.

COMMISSIONER O'DONOHUE:

good morning. Legislator Nowick, is she in? Yes, she's here. Okay. Yes I'm sorry. I'm here this morning to answer any questions about the Judicial Facilities Agency and expanding its authority. And Legislator Nowick and yourself have sponsored that Home Rule Message. Legislator Nowick and yourself have sponsored the Home Rule Message, so if you have any specific questions or whatever.

LEG. NOWICK:

Thank you for coming here to the Legislature to address this. One of the questions I wanted to discuss with you is how would this differ from what is happening now with the building -- the construction of buildings for the County? What would be the process that the County would go through if the JFA had the powers to construct? What would be the process the County would go through as opposed to what it goes through now?

COMMISSIONER O'DONOHUE:

Well, what it will do is it will allow us to borrow money at a cheaper rate than it would with the County. If the County's going to construct something it would save -- in just rent payments alone, you'd save hundreds of thousands of dollars. Most of it's summed up in the two page or three page report from Budget Review dated May 9th. It would also allow you to -- not to go in and go into our capital budget. You would only have to draw funds out of your capital budget and have offsets. This would allow you to construct whatever you had to construct without affecting the capital budget. That's two of the main issues.

And you'd save money. The bottom line is you'd save a lot of money and you'd have total control over it. The only thing we can do is construct whatever you direct us to construct. For instance, if the state came in now and told you to build a jail, expand your jail, we could do that for you, then you'd have to say this is what we want you to do, and that's all we could do, not anything more than that. And since we're appointed by the Legislature and the County Executive --

LEG. VILORIA-FISHER:

It's hard to hear you.

COMMISSIONER O'DONOHUE:

First time anyone ever said it's hard to hear me.

LEG. CARACCILO:

I can vouch for that.

COMMISSIONER O'DONOHUE:

I'm very sorry. No. I was -- the JFA, the Judicial Facilities Agency was created in order to purchase the Cohalan Court Complex in order to save the County lots of money, which it did. What we're looking to do now, what the Legislature's looking to do now is expand the powers of the JFA so that we can build buildings for the County at a cost -- at a savings of interest, we could borrow the money at a much lower rate than you can. And you would control -- whatever you want us to build, you would control that. If you wanted to have Budget Review just go over what their report is, maybe they can highlight some of the -- some of the positive points.

LEG. NOWICK:

May I? Oh, good.

P.O. POSTAL:

Mike, Roger Podd attended the meeting as my representative.

COMMISSIONER O'DONOHUE:

Right.

P.O. POSTAL:

And I understand that there was a discussion of the bill that you were just discussing with Legislator Nowick, the one under which the JFA would acquire ownership of properties and lease them to the County.

COMMISSIONER O'DONOHUE:

Correct.

P.O. POSTAL:

And it was my impression from what Mr. Podd reported that the Judicial Facilities Agency Bill

was felled, that that bill would not present a problem, that it would probably move very swiftly; am I right --

COMMISSIONER O'DONOHUE:

It would move swiftly through the Legislature, because it's already an existing agency. The Legislature would not have to create a new agency. And since you do have a fiscal problem in Suffolk County, this would be the most expedient way of doing it. Also, this is -- the reimbursement from state and federal governments would be -- we would be able to receive reimbursement from state and federal government where you would not.

P.O. POSTAL:

Right. And that was, I guess, a strong motivation for us.

COMMISSIONER O'DONOHUE:

Absolutely. It would take something like 50 years for you to recover your investment, where it would take 20 or so -- the life of the bonds actually for a break even point.

P.O. POSTAL:

Thank you.

COMMISSIONER O'DONOHUE:

Sure. And I think Budget Review could probably give you some highlights.

LEG. FOLEY:

I want to hear from Budget Review.

P.O. POSTAL:

Sure. We don't -- there's Lance.

MR. REINHEIMER:

Sure. There was a memo that was prepared for Legislator Nowick on May 9th that outlined some of the advantages to using JFA financing. And a couple of highlights is that it would probably result in lower interest rates on construction, they'd be able to restructure the payments, there'd be saving for the County on the net present value of lease savings up front. I

guess the biggest advantage would probably be for departments like Social Services where generally we lease space because of federal and state reimbursement. This would be structured, we could still lease through the JFA, and because there is a lower debt service on the construction, the lease payments would be lower, resulting in lower payments from the general fund for lease payments.

COMMISSIONER O'DONOHUE:

And just also the profit that -- a builder would certainly work on a profit motive, we wouldn't be -
- we'd be non profit. So that's another savings.

MR. REINHEIMER:

That's correct.

P.O. POSTAL:

Legislator Alden and then Legislator Lindsay.

LEG. ALDEN:

Is there a plan to move this bill today or is this being laid on the table?

LEG. NOWICK:

It's being laid on the table.

LEG. ALDEN:

Okay. So we do have time.

LEG. LINDSAY:

I think that the concept, everybody at the horseshoe believes in. I think it's very sound, it's something that we should capture. The one problem that we have with it is that there is another competing bill to create another agency called the GFA, which takes that revenue source and applies it towards the housing crisis in our County. That's the only issue in my mind. What -
- everything you said about the funding sources is absolutely correct, there's a lot of money to be saved using this concept.

COMMISSIONER O'DONOHUE:

And also you're going to put a lot of people to work, which is we're all looking to do. And as a

fellow union person, I know how important that is to get people to work, especially in this economy. The problem that we see, and this is no skin off our nose in the JFA, you know, we volunteer for this, we don't get paid for it. We probably have the most leanest budget of any agency in the state. I think our entire budget for the five of us was something like \$150 over the last three years. It's almost not worth accounting for it. But we like doing it, it keeps -- you know we all volunteer to do it. But the problem with the other legislation -- not the problem with the legislation itself -- is that for the State Legislature to form another agency, they're very reluctant to do that. And for the State Legislature to do this would probably take a couple of years from what we're hearing from Wilke, Farr, Gallagher -- from what we're hearing from Wilke, Farr, Gallagher, they spend most of their time in Albany, that legislation may not see the light of day for a couple of years. Not that you can't continue to do that, you can move that legislation along if you'd like to. But this would give you immediate relief, if that's the right word. I know all you're doing -- and you do control this, there's nothing -- we can't do anything other than what you want to us to do. You do appoint the members also.

P.O. POSTAL:

Legislator Foley and then Legislator Nowick and then Legislator Guldi.

LEG. FOLEY:

Since it's being laid on the table today and it's going to which Committee, is it Ways and Means it will probably be going to? I think when it goes to Ways and Means, one of the questions to research, if you will, to have answered at that date is pursuant to the question by Legislator Lindsay, is whether or not the GFA and the JFA are -- are compatible or mutually exclusive, or whether they're going to be competing for the same pool of money from the state. You may have those answers today, Mike, but if not, then by the committee meeting, because that could either allay our concerns or it could raise our concerns whether they compete or whether they actually could be complimentary, one could focus on County offices and the other could focus on housing initiatives.

COMMISSIONER O'DONOHUE:

That's up to the 18 members of this Legislature. Whatever the County Executive, whatever you want these agencies to do, you make that determination.

LEG. FOLEY:

Would they compete for the same pool of money, though? That's one of the concerns.

COMMISSIONER O'DONOHUE:

If you wanted us to build a jail for instance -- and the other agency was in place two or three years from now and you wanted us to build a jail, I don't think you'd ask both of us to -- you might ask both of us to come up with a plan or a bid and decide which one you go with.

LEG. FOLEY:

One would be for office, the other would be for housing. They both have to be -- you know, dip from the same pool of money?

COMMISSIONER O'DONOHUE:

I don't know if -- down the road, you may want to send a Home Rule Message up to either eliminate the JFA later on and say this agency is in place and give them all the work to do rather than having competing agencies. That's something that certainly the State Legislators would ask that. You may want to just leave us with the courts or even leave it with just the court complex in Central Islip and then do all the building with whatever -- it's totally up to this Legislature what they'd like to do.

LEG. FOLEY:

Right. Right. Thank you.

COMMISSIONER O'DONOHUE:

And we're just there -- whatever you want us to do to help out financially with it, we're here to do it.

P.O. POSTAL:

Legislator Nowick and then Legislator Fisher.

LEG. NOWICK:

Commissioner, just to make this clear, as I understand it, the JFA presently has the powers to build court facilities. In order to build other than that, we would have to go -- we would have to go get a piece of legislation from the State of New York giving the JFA authority.

COMMISSIONER O'DONOHUE:

Expanding the powers of the authority, yes.

LEG. NOWICK:

Under this proposal, the JFA would have the authority -- if the County needed to have a building, whether it was built or new construction or any type of building like that, you would then already have the authority, the JFA. But as I understand it just to make clear, the Suffolk County Legislature would be the bottom line in whether or not we choose to construct a building or not to construct a building, literally, although we would be leasing from the JFA, it's literally leasing from ourselves. We have the final word; is that correct?

COMMISSIONER O'DONOHUE:

You have the final word in what you want constructed and how much money you want to spend on that construction, certainly. And then we would -- we would float the bonds, take possession of the building --

LEG. NOWICK:

Not unlike what have now, the final word. It's just a matter of not going to the capital budget.

COMMISSIONER O'DONOHUE:

Exactly.

LEG. NOWICK:

And to secure public bonds, which are less expensive, as I understand it.

COMMISSIONER O'DONOHUE:

Exactly.

LEG. NOWICK:

So as far as building and what to build, we still have all the authority we always had.

COMMISSIONER O'DONOHUE:

You have all the authority.

LEG. NOWICK:

This would just expedite it, is that right?

COMMISSIONER O'DONOHUE:

This would give you the vehicle in which to do that. Right now you don't have that. You have to go out and borrow on a higher rate. You can't build without amending your capital budget. Once your budget is in place, you have to take from other projects, which is something I did when I was here. You know, we had to -- we went and postponed another project. I think you had something there for a shelter or something you were going to build for children. That's been put off another year now. So those are things that -- that type of flow of legislation, when you put your capital budget together and these are things you want done and have to be done and then you find other pressing needs that come up that you have to go in there and amend that budget, this agency would eliminate the need to do that.

LEG. NOWICK:

Would you then say this could enhance building in the area and get things moving along a little bit faster for Suffolk County?

COMMISSIONER O'DONOHUE:

It would move things along a lot faster and at a much lower cost to you. As you look at the amount of money the County spends on leasing from private -- from the private sector, you're spending hundreds of thousands -- tens of hundreds of thousands of dollars, millions of dollars on leasing with no benefit at the end of the road other than a landlord. You end up paying for a building -- I think in Budget Review's Office what they presented was about four times over what you paid for the same building, wherein the case with us you would pay for it once and that would be it through the leasing. So there's tremendous advantages here. And you know, it's up to you. It's not -- this isn't going to put any money in my pocket or anything else or make an empire of it. And if you pick -- we expire, what is it, every two years or so, a couple of us expire from -- our terms expire. So you that -- you and the future Legislators will always have that control over the agency.

LEG. NOWICK:

So, as I understand it the JFA would be the vehicle for the bonding.

COMMISSIONER O'DONOHUE:

Absolutely.

LEG. NOWICK:

We would still be -- the bottle line, we would still call the shots as to where and what money would expedite building in the area. It would help as far as moving along, actually helping our economy.

COMMISSIONER O'DONOHUE:

Absolutely. Absolutely. I know that Legislator Lindsay was called out of the room, and I notice an uneven delegation is missing

LEG. FOLEY:

Never happened in your day, right?

COMMISSIONER O'DONOHUE:

Never happened in my day, no. But I wish they were here to hear some of this. It would certainly spur on construction and put a lot of people to work. There's no doubt about that, and save the taxpayers quite a few dollars on interest payments, which is so vital in this economy with the tax situation that we're facing now in Albany and Washington.

LEG. NOWICK:

And if I am correct in reading Budget Review's letter, they seem to see it as win-win.

COMMISSIONER O'DONOHUE:

Budget Review, I won't speak for Budget Review, but if Budget Review would like to quote their own statement, sure.

MR. REINHEIMER:

That's correct. On page two of the memo to Legislator Nowick, we state that there appears to be no disadvantage to expanding the powers of the JFA to construct or reconstruct office space for Suffolk County departments.

P.O. POSTAL:

Thank you. Legislator Guldi.

LEG. GULDI:

Hello, Mike, over here.

COMMISSIONER O'DONOHUE:

Hi.

LEG. GULDI:

There were people who said that they wanted -- that they regretted the fact that you and I didn't serve here together, because they wanted to be able to sell tickets. While this is premature, because the bill is being -- this bill is being filed today and will go to committee at the same time that the JFA Bill, which was filed two weeks ago, will be in committee, I expect we'll see you at the committee level. But rather than going to the hundreds of reasons that when developing this financing concept, which I see you so roundly endorsing, of using an agency to fund reimbursable County projects and for other governmental purposes, with respect to those powers, is there any difference in the concept being employed for the expanded powers of the JFA other than -- than are different than the GFA other than the scope of work?

COMMISSIONER O'DONOHUE:

Well, from what I've read of your proposed legislation, and I am no longer a Legislator and certainly miss and enjoy thinking about my days here, but I wouldn't want to debate you on this, because I don't have a vote on it. But I see the -- right now this is a -- what we have in place right now is an agency that's an existing agency created by the state and that -- for what our experts are telling us, you can move this thing through quickly where --

LEG. GULDI:

The existing agency -- I wanted to get to that question next. But in terms of the existing agency's powers are limited to court houses in Islip.

COMMISSIONER O'DONOHUE:

Right. Exactly.

P.O. POSTAL:

George, you can ask questions, but you can't debate, please.

LEG. GULDI:

That was a question and he said yes. If I may continue.

P.O. POSTAL:

It went on for quite a while.

LEG. GULDI:

The question was very simple. It was about 12 words. Please, if I may. The powers of the amended JFA Agency and the powers of the GFA Agency created in terms of the scope of projects they can do, the GFA is broader in that it provides for housing and the JFA doesn't.

COMMISSIONER O'DONOHUE:

Absolutely. Much more -- we don't have -- we would not have the power to condemn property or to -- or certain town zonings and that type of thing. That's nothing we would do.

LEG. GULDI:

Neither does it if you look closely. The question is in the areas where the powers are the same, that is for County facilities, the powers would be the same between the two agencies, would they not?

COMMISSIONER O'DONOHUE:

Whatever powers you deem we should have, that's what we would have.

And that would be up to you, whether you wanted to have competing agencies. I don't know, I think that's certainly something the State Legislature -- not to speak for them -- would ask, do you want competing legislation.

LEG. GULDI:

Let's go to that issue, because you said here to a number of Legislators, and it's the one issue I want to get to with you, that it would be easier to get state action to expand the powers of JFA than it would be --

COMMISSIONER O'DONOHUE:

Create a new agency.

LEG. GULDI:

To get the same state action, takes both Houses and the signature of the Governor.

COMMISSIONER O'DONOHUE:

No, it wouldn't -- it's not the same, because you'd have to create -- the agency you're proposing

would have to be created.

LEG. GULDI:

Both the creation and amendment of powers require a bill filed in both Houses and signed by the Governor. The procedural steps are the same.

P.O. POSTAL:

George, if I can interrupt you please. Mike. I think that this is very good discussion for when the bill is being discussed.

LEG. GULDI:

I have 100 other areas to go into at that time, I'm just trying to get to the one statement made here.

P.O. POSTAL:

That's what I'm afraid of. I'm going to --

LEG. GULDI:

I'm not going to those other areas. I'd like him to answer my question, how are the steps different. He said they're different, and I want to know why.

COMMISSIONER O'DONOHUE:

I can answer that quickly enough. This agency already exists. For the State Legislature in their mindset to create another agency even though things move through this Legislature very quickly, you'll go through 15 different amendments and yet you'll come to something that becomes very controversial, and that's something State Legislators do not -- my understanding is they do not want to create new agencies. I think Nassau County is looking for a sewer agency now, which is becoming a very debatable, very hot pressed item. So to say that, yes, the mechanics are the same, but people are going to come in and going to say, wait this is much more involved than just amending something, this is creating a new agency. That's up to you. I'm not -- I don't get anymore feathers in my cap for this. This is just something that if we can help you out, this is going to move through speedily. And I'm just referring to the meeting we had with representative Postal's Office and Legislator Nowick's Office and Budget Review. They said this is the best way to proceed right now if you want to move quickly on this thing. That's their words, not mine.

P.O. POSTAL:

George, are you finished?

LEG. GULDI:

No, but I'll save the -- my other hundred areas of inquiry for committee.

P.O. POSTAL:

Thank you. I'm going to ask our Counsel to draft a change in our rules for me, because this is the second meeting when this portion of the agenda has taken so much time that it's deprived the public of its opportunity to speak during the public portion, and that was not the intention of this part of the agenda. So I'm going to ask

Mr. Sabatino to change the time of this portion of the agenda to after the public hearings so that the public can have an opportunity to speak. Is there anyone else? Thanks, Mike.

COMMISSIONER O'DONOHUE:

Thank you.

P.O. POSTAL:

Okay. One more. Our last speaker during the public portion is Councilman Joe Potter.

MR. POTTER:

Good morning, Madam Chair, Members of the Legislature, I'll be extremely brief. Supervisor Schneiderman from East Hampton will be here later. We are very much hoping to secure passage of the resolution for the acquisition of the Duke property in East Hampton later today. We'll be here to answer any questions that you might have for us in the course of the day.

LEG. CARACCILO:

I have one question.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILO:

Thanks for coming, Councilman. As you know, I think you know, last Thursday, I had the

opportunity to look at the property with the Supervisor. And I won't discuss Shadmoor, I promised him that I wouldn't.

LEG. GULDI:

You just did.

LEG. CARACCILOLO:

That's it, I'm not going further. When we walked the property there were several recommendations, suggestions, I made that could possibly win my support. It's my understanding that a resolution, a draft resolution, is being circulated today to the town board. Is that, in fact, taking place?

MR. POTTER:

Yes, that's correct. We have a work session going on now. And my understanding is that the Supervisor will have that resolution passed this morning. And I have a draft copy in my car, if you'd like to see it.

LEG. CARACCILOLO:

Okay. Thank you very much.

MR. POTTER:

Thank you.

P.O. POSTAL:

Thank you.

MR. POTTER:

Thank you.

P.O. POSTAL:

We're going to turn to the Consent Calendar. I have a motion from Legislator Towle, seconded by Legislator Fields to approve the Consent Calendar. All in favor? Opposed? Consent Calendar is approved. Now we will go to our cards.

MR. BARTON:

18.

P.O. POSTAL:

Our first speaker is John Cushman.

MR. CUSHMAN:

Thank you, Madam Chairman and Members of the County Legislature. My name is John Cushman, I live in Patchogue. And I'm here representing the Sportsmen's Association for Firearms Education, commonly referred to as SAFE. I'm here in support of Resolution IR 1301-2003, which the Parks and Recreation Committee reported out of their committee Thursday, on a 6-0, in favor. There's very little I can add to all of the testimony that was given at the Parks Committee. However, there are a few items that I would like to bring to the full County Legislature's attention.

One, the range was originally closed because the vendor who had the concession contract walked out. It was never closed because of any kind of hazardous or environmental condition. But even so, while that issue was raised, wisely, the Parks and Recreation Committee contracted for both noise and environmental research to be done on the property, and it was both done and both were reported back to the committee as there was no environmental impacts there, and the only problem was the noise level. And that's what this resolution does. It simply addresses an issue that was an oversight. As a matter of fact, the original law, which was written by Mr. Steve Levy, who's now a State Assemblyman and who by the way at the last meeting attended, said he had no intentions of closing down any of the shooting facilities in Suffolk County, because of the drafting of his legislation for noise levels.

As I said, rather than reintroduce everything that I've made at the committee level and the other people there, I just last night, as a matter of fact, got an e-mail from a member of the law enforcement community who also happens to be a member of SAFE. And he asked if I would be kind enough to bring this to your attention. Now this is information that was not part of the original committee, so I hope it will find -- all benefit you. Suffolk County operates a shooting range in Westhampton off Old Country Road adjacent to the Westhampton Raceway. Each year, the Southampton Town Police issue summons to the raceway for noise ordinance violations. If the County does not exempt all the shooting ranges on the County property from current noise ordinance, this range could also be forced to close as it easily exceeds the noise ordinance.

This is the Suffolk County Police Firearms Range, which is used for initial training, certifications, recertifications for police, peace officers throughout the entire county, as well as guest agencies. A partial list of the range users include the Suffolk County Police Department, the Suffolk County Sheriff's Office, the Suffolk County Park Police, the Suffolk County Probation Officers, officers from all villages, town police departments throughout the County, Bay Constables, Code Enforcement Officers, Federal Officers, such as FBI, Treasury, New York State Parole Officers, New York State Air National Guard and other military personnel and elements and other groups and agencies. Fire arms used include handguns, shotguns, a variety of tactical and high powered rifles in addition to the Police Emergency Services Unit, which uses the range to detonate suspicious packages.

P.O. POSTAL:

Mr. Cushman, I'm sorry, but your time is up. Thank you.

MR. CUSHMAN:

Thank you for your time.

P.O. POSTAL:

There's a question, Mr. Cushman. Public portion, sorry. I forgot too, Mike. I forgot.

MR. CUSHMAN:

No questions?

LEG. GULDI:

We're not allowed.

P.O. POSTAL:

We're not allowed to.

MR. CUSHMAN:

I was all ready for you this time.

P.O. POSTAL:

Reverend Beth Graham.

REVEREND GRAHAM:

Good morning, Presiding Officer Postal and Suffolk County Legislators. My name is the Reverend Beth Graham, and for the past nine years I've been the Minister of the Unitarian Universalist Fellowship in Huntington, the congregation of 400 adults and 180 children. And I live with my husband in Huntington Bay. I want to add my voice to the conversation about Legislators Cooper and Postal's proposed legislation that would create a domestic partnership registry for Suffolk County, Resolution 1225. I know that this proposed legislation could positively impact non gay, unmarried cohabitating couples, as well as same sex couples, but I am going to limit my remarks to the positive impact this law could have on the gay community here in Suffolk County.

My faith, Unitarian Universalism has been in the forefront of affirming and supporting the rights of gay and lesbian people for decades. We began performing same sex union services in our religious settings in the 1960s. In 1984, a national denominational body passed a resolution affirming its support of clergy performing such ceremonies. Our experience of witnessing and supporting same sex partnerships have strengthened thousands of individual lives, it has also strengthened our congregations, our civil community and our religious faith. As a clergy person, I work with all types of couples when they are planning to get married. When I meet with same sex couples though, there's an extra conversation that we need to have that heterosexual couples don't need to have, and that is the legal aspects of their union. When heterosexual couples exchange vows before a Justice of the Peace or a clergy person, a legal transaction has taken place. For same sex couples, that is not true.

I often refer such couples to books, grassroot resources and lawyers I know of to help them puzzle over the various legal aspects of their union, but I have never been able to referee such couples to a civil institution that can help validate their union. The domestic partnership legislation you are considering today is a step toward helping gay couples and families have legal protections that are automatic for non gay couples. Domestic partnership legislation provides real protection for real families. Marriage provides a safety net of protections for families both during tough times and emergency situations as well as for everyday life. And since lesbian and gay couples cannot at this point in our country's history legally marry, they need other modes of protection that are automatic for non gay couples. Having a domestic partnership registry can provide same sex unions that are not currently recognized by civil authorities with a venue for documenting their partnerships. And this in turn puts couples on firmer ground when filing for domestic partnership benefits with employers or responding to

challenges to beneficiary status in an array of insurance related matters. Thank you.

P.O. POSTAL:

Sorry. Thank you. Next speaker is Richard Fahie.

MR. FAHIE:

Hi. My name is Richard Fahie. I live in Mastic, I really don't live that far from the range.

P.O. POSTAL:

Could you just speak into the mike.

MR. FAHIE:

Hi. My name is Richard Fahie. I live in Mastic. I don't really live that far from the range. But I am aware that because of the new laws passed in Suffolk County, you lowered the noise so low that the range was shut, because of it, because of the new person that was supposed to take over the range couldn't make the range meet these specifications. I know lots of things that don't pass those noise specifications. As a matter of fact, I was told at the Parks Committee this even these microphones, these speakers, are so loud they actually go beyond it. The range in Suffolk County is desperately needed due to the fact --

P.O. POSTAL:

Mr. Fahie, can I just interrupt you. I just stopped the clock. We do not have a quorum. I'm just going to have to ask you to wait until we get one additional Legislator in here.

MS. BURKHARDT:

We're recessing the meeting unless we get some more Legislators.

P.O. POSTAL:

She means that, she really means that. Okay. Let's just have some order and you can continue, Mr. Fahie.

MR. FAHIE:

Okay. As I was saying before, I live in Mastic, I really don't live that far from the range. However, the range is desperately needed because it's one of the few skeet and trap places actually on Long Island. I believe it's the only public one. I know it's the only Suffolk County

one. It does bring quite a few bit of money in revenue. And like I said, it's a big sport with more people participate than even golf. I don't have to tell you how many golf ranges we have around. But if you close this range, the other ones are very over -- I can see three things happening.

One of the things is actually close the range and just renovate the land, it would cost several million dollars. It does pass all the environmental things. The second thing is that you could actually spend the money and redo the range yourself, and that's going to cost the taxpayers quite a lot of money. I know what my taxes are, I could imagine what it would be after spending more money on something like this. Third obviously is passing a resolution that would exempt this range, not only this range, but the other ranges that all the Police Officers use, the Suffolk County Sheriff's Office and the rest of the rangers. Because of the fact that, you know, if don't, you know, Suffolk County itself violates its own laws.

And I don't see, I know this -- we just had somebody speaking about gay rights, discrimination, well, this law because it's so harsh and so Draconian that when you discriminate against one group with this law, only this one group, you don't discriminate against the marinas, the school buses, the parades. I mean, live right next to Sunrise Highway, which wasn't there when I was built, all right? It's 150 feet from where I live. I live right next door to the Southport Shopping Center. It's literally my backyard. All these things create high noises than Suffolk County laws now provide. And I don't see how you can just go against this one range and not go against all the other things that exceed this noise limit that you currently have.

And talk about -- the gay people up here talk about discrimination, well, discriminating against one range and one type of group is discriminating against us. Thank you.

APPLAUSE

P.O. POSTAL:

Thank you. Next speaker is Bill Lunt.

MR. LUNT:

Good morning. This is a decibel reading device that I've had in front of the speaker, not behind it -- or not in front of the speaker, but behind the speaker. And just to let you know the sound

level that they were talking about the range has been set at 65 decibels. Today with this PA system, it's been registering anywhere from 75 to 90, which is about 30 decibels above the current law that they're talking about the shooting range.

And I just want to read into the record the federal acceptable noise levels, and they don't even deal with 65 decibels, they start -- their lowest decibel reading they start with is 90. And the acceptable noise level at 90 decibels, a person can hear -- listen to that noise level for eight hours a day with no occurrence. The chart goes all the way up to 115 decibels, that's a half hour, and they don't want to take the time to read all that. So I just wanted to let -- to say that.

I'm in favor of opening up the range. And I'm asking you to please vote for the exemption. And we've been coming back and forth on this, several public meetings, and for the four or five times that I've been here, there are only two people that actually stood up here and says, well, the noise is too loud, I live next to it and complained about that. Everyone else has been in favor of opening up the range. The range has been there long before the homes were. And I myself, when I moved from Lindenhurst to Mastic, I purchased property on a dead-end street.

Unfortunately though, my property borders the Long Island Railroad. And you're going to have to trust me on this, the Long Island Railroad makes a lot more noise than the gun range. Back in the '80s when there was a strike, I would wake up at 2:05 in the morning because the two o'clock special wouldn't come through. And it was like -- you get used to stuff like that. But I just wanted to say, if the people didn't want to hear the sounds of gun fire, they shouldn't have purchased the house and complained about the noise. The noise level is not what closed it down, the environmental issue is not what closed it down, but for whatever reason it seems to be a stumbling block at this point in time. And I wish the County Legislature to please exempt the range so we can open it and enjoy the sport that it is and also that the County can enjoy of monetary benefits it reaps also. Thank you very much.

P.O. POSTAL:

Thank you. Bill Rabb.

MR. RABB:

My name is Bill Rabb, I live in Bay Shore. I'm here to speak in favor of IR 1301-2003. This range has been in existence for quite a long time. It's grandfathered in most of the -- in most cases from other regulation. The range is operated by Suffolk County. There's not another

range of its type operated by the County anywhere in this jurisdiction. We have lots of golf courses, we have marinas, we have all kinds of other things. Well, this is what I do, and I'd like to do it at a County facility. The waiting list for a private club to do this type of activity is five years plus. If I decide that I want to go shooting, I have to wait five years before I can do it. If you wanted to go to the park, would you like to be told that you can go there in five years and about six months? No, it's not really practical.

The noise levels of other activities, I did a totally unscientific study with a hand held meter as Mr. Lunt had, at a golf course someone yelling fore at a distance of about 30 feet is 88 decibels. A gasoline golf cart is about 85 and electric is about 68, while I was at the golf course -- was at my father's place and he raises cattle. Well, a cow moos at 95 decibels. So I guess we'll have to restrict that too. If the range is not operated as a shooting range, it will be remediated. The cost of such a remediation is excessive. As a shooting range, it meets all environmental specifications. This County does not have the money, I really don't want to pay to have that cleaned up if you decide not to reopen. It's only a matter of time before someone says, well, it's now inactive, it needs to be remediated. We don't really need to go there, I'd rather use it as a shooting range. The range is also used by many people outside of the County, some here in this room.

There's a lot of money being spent at private clubs that the County could be making. I'd like to see the County make it. I don't really want to see my taxes go anymore, they've up doubled since I bought my house. I haven't seen a double for anything that I get for it. So we'd like to see them try not to go up anymore. I realize this is very difficult for us to do. There's a school up the block from my house at the next -- on the next block. When I bought my house, I saw the school, I didn't think much of it. I didn't realize there are 1200 students in that school. I have buses going by my house every two and a half minutes all day long. Now, who's fault is that for not checking out that there's a school for 1200 students? Mine. Not anyone else's. So oh, well, I live with it. I gripe here, but only because it affects something else. As I understand it -- sorry.

P.O. POSTAL:

Your time it up. Thank you.

MR. RABB:

Thank you.

P.O. POSTAL:

Michael -- Michael Martucci.

MR. MARTUCCI:

How are you doing? Michael Martucci from St. James, New York. I've used the range several times with my family. I've used it several times with my family, and we've had a lot of fun using the range. We'd like to see it open. I could reiterate what everybody just said, but it -- you know, instead of repeating it, I would just like to let everyone know that I do agree. And if you can see how many people are here today that agree, just imagine on short notice how many people would have been here had there been a little bit more notice for a meeting such as this. There are several people that I have to go back to, you know, let them know what happened today. Just to let you know, there are a lot of people in favor of having this range reopened, even more so than what you see here today. So I hope we can all come to agreement and vote in our favor with it. Thank you.

P.O. POSTAL:

Thank you. Michael Hinz.

MR. HINZ:

Good morning. My name is Michael Hinz. I'm from Mastic Beach here to address the Resolution 1225, registry for domestic partners. I'm Vice-President of Parents, Friends, Families of Lesbians and Gays, Long Island, also known as PFFLAG, Long Island. I just want to say I am a parent of three adult children, one of my sons is gay. And this registry to exemplify what it would mean as far as him getting benefits or getting different rights that other people who are married can get. My son and my daughter both work for the same Fortune 500 Company. That company provides domestic health benefits -- health benefits to domestic partners. My daughter automatically gets the health benefits for her husband. She is married, she gets rubber-stamped, that's it, nothing. My son, in order for to get the health benefits, he has to prove that there's some sort of a relationship there. That the does have a domestic partner. So now he has to come up with joint checking accounts. He has to come out with a lease with both names on it or real estate that's purchased by both people. For him to get the same benefits, he has to jump through hoops. If you had a registry, it would be easy for him to go to his employer and say, all right, I am registered with a governmental agency with the County of Suffolk, me and my partner are registered as domestic partners, please give me my health

benefits for my significant other. And it would go a long way towards getting different benefits in his company that are automatically given to married couples. On a person note, I would like to see somewhere some sort of recognition that his relationship exists. He can't legally get married. I don't know how many are parents, but if somebody were to tell you that your kid couldn't marry the person the love, I think you might find that offensive. I as a parent would like to see him in a stable relationship, and I would like to see somewhere where he could register that relationship and say on a certificate that, yes, I am in a relationship, I'm committed and here's the proof of that. So I urge the Legislature to pass that domestic partner registry. Thank you.

APPLAUSE

P.O. POSTAL:

Thank you. Next speaker is Thomas Patton.

MR. PATTON:

My name is Thomas Patton and I live in Lindenhurst. I've used that range in Suffolk for quite a few years. In fact, I just bought a new shotgun the day before it closed, and I wasn't able to use it, the 20 gauge. One thing I wanted to ask this panel here is why they display that American Flag with a fringe on it for.

P.O. POSTAL:

Would you just speak into the mike?

MR. PATTON:

Why they display that American Flag there? That's not an American flag. It has that fringe on it. American flags do not have fringes on them. Do you know that?

P.O. POSTAL:

No, I don't think -- I don't know if any of us knew that.

MR. PATTON:

Well, they use that in a Court of Law under British Admiralty Laws only. I didn't think -- I didn't know you didn't realize that.

P.O. POSTAL:

No. There are great many manufacturers who make them like that.

MR. PATTON:

If you look in the pictures, there's not a fringe on any one of them.

P.O. POSTAL:

Those are the ones that we have in our district offices. Thank you for the information. We'll have to change the vendor that we buy those from or have the vendor change the manufacturing of those flags.

LEG. BISHOP:

Or join the Navy.

P.O. POSTAL:

James Kelly. A neighbor from Amityville.

MR. KELLY:

Yes, I am. And I'm also a member of the Board of Directors of SAFE. I'm going to keep this short because I feel everybody's been beaten on their head by the argument, so I'm just going to make it real quick. I would to ask you to vote in favor of this bill as it stands now. No vendor wants to go in there because the noise abatement costs are prohibited. We feel that right now what this is doing is curtailing our right to keep and bear arms through noise control.

What I want -- what I want to make clear about IR 1301-2003 is all this will do is bring our noise regulations in compliance with the state's. The state has the law which says preexisting ranges are exempt from the noise regulations. This would allow near the range in -- this would allow the trap and skeet range to reopen. As a little side light, I just got some info here that the Suffolk County Police also does night training. So I'm sure that the Town of Westhampton gives out those tickets at night, too.

Basically I would say to you I would hope everyone would vote yes on this issue. The reason why I would say that, if you don't like guns and you don't like shooting, think of it this way. Thanks to Legislator Ginny Fields, we were able to get some information. A man was able to document that while he went to the range, he sent his wife off with the credit card and she sent

\$10,000 in Suffolk County. And think if you can't -- if up can't vote for it because you're against the guns, think of what that will mean in Suffolk County. And please remember, there are many Nassau residents that also want that open. And if you bring the wife out here, I know from personal experience, you better, you know, give her some money and let her do her own thing. I'd have rather have that money spent here than spent somewhere else. Thank you.

P.O. POSTAL:

Thank you. James Stephens.

MR. STEPHENS:

Madam Presiding Officer, Members of the Legislature. Suffolk County has a long history of being fair and equal to all of its residents. Since the 1980's, we've included sexual orientation in the Human Rights Law. A few years ago, we strengthened that law. Now your faced with a chance to again be fair and equal. Many residents in Suffolk County live in domestic partnerships, both straight and gay. We need to have a chance to register those partnerships. I did some checking yesterday, and as of three o'clock, in the six months that East Hampton has had domestic partner registry, they've had 44 people register or couples register. Southampton, in just a couple of weeks, has had eight register. Yet, neither town shows a decrease of marriage license. So it's not going to hurt marriage in the long run, but it will give people, such as myself and many others in this room, and across Suffolk County, that right to document our love for the person that we choose to be in a long-term commitment with. I urge you today, when you take up 1225, to vote yes on this bill. It is a good piece of legislation and should be passed. Thank you.

APPLAUSE

P.O. POSTAL:

Thank you. Next speaker -- before we call the next speaker I have a motion from Legislator Caracciolo, seconded by Legislator Caracappa to extend the public portion. Our next speaker is William Giordano. I think I have to ask all in favor, which I forgot. Opposed? Okay. Public portion is extended.

MR. GIORDANO:

Madam Chairman, Legislator, my name is William Giordano. I live in Copiague. I'm here to support 1301-2003. I'd like to point out, I won't bore you with everybody else's statements, but

at that range, there is a sporting clays facility, and that's not available anywhere on Long Island. That's one good reason to reopen the range. Thank you.

P.O. POSTAL:

Thank you. Another neighbor, from Copiague. Ken Kennedy.

MR. KENNEDY:

Good morning. My name is Ken Kennedy. I'm from Calverton. I'm past president and current Director of Riverhead Sportsman Club. I'm here to support the Noise Ordinance Law. The shooting sports on Long Island have diminished dramatically. I have six grandchildren, two of which have attended the Hunter Safety Course, and are currently able to go afield with me. My second oldest grandson had double surgery on his legs. One of the sports he is still able to enjoy is shooting -- excuse me. Currently I take him to our range in Upstate, New York. He is an avid shooter and would very much enjoy the ability to shoot at the Suffolk County range.

Marines aren't supposed to cry. But my own experience with firearms started at Camp Baiting Hollow Boy Scouts back in the '50s. My grandfather taught me how to shoot, and I feel it's a tradition and a right of passage for our children to learn from our grandchildren -- from their grandparents. When you're dealing with shooting sports, you have to realize that most of your shooting sportsmen are some of your more respected citizens in the country. Vast majority of us are veterans, we beared arms for our country. We in Suffolk County undergo the most stringent background checks anywhere for a pistol license. When you present your Suffolk County pistol license anywhere, it is accepted unquestionably. Your character is never questioned once you show that license. The shooting sports generate good law abiding citizens who respect firearms and understand what they are meant to be used for. And so that note, I'd like to close. Thank you.

APPLAUSE

P.O. POSTAL:

Thank you, Mr. Kennedy. Frank Klement. Oh, I'm sorry. That was Mr. Catania. Matthew Catania. I'm sorry.

MR. CATANIA:

My name is Matthew Catania from Copiague. And I'm in favor of passing Legislation 1301-2003.

P.O. POSTAL:

Just make sure you talk into the microphone.

MR. CATANIA:

Okay. I go to the Suffolk County Trap and Skeet Range with my friends and family, and I'd like see it reopened. Thank you.

APPLAUSE

P.O. POSTAL:

Thank you very much. Frank Klement.

MR. KLEMENT:

Good morning. My name is Frank Klement. I live in Miller Place. I'm here this morning to present the board with a petition for a permanent speed monitor on Miller Place Road. It's in conjunction with the red light camera program. It's the same technology. We've had numerous fatalities and MVAs on that road, and I have presented the petition this morning to your assistant, Caroline. She has it in her possession. And I wish that the board acts on it and considers monies for it, and that's it.

P.O. POSTAL:

Thank you very much.

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Yes.

LEG. VILORIA-FISHER:

It's not a question, it's information.

P.O. POSTAL:

You can't ask a question or make a comment.

LEG. FOLEY:

Just a comment. Miller Place Road -- all right.

P.O. POSTAL:

No.

LEG. FOLEY:

It's a town road. He needs to speak to his town people

P.O. POSTAL:

Well, you can certainly tell him it privately. You can have a staff person tell him it privately, but only the public can speak now.

LEG. FOLEY:

Okay. Thank you.

P.O. POSTAL:

Sandy Rapp.

MS. RAPP:

Thank you. I'm Sandy Rapp speaking on behalf of National Organization for Women, East End Now. I took heart in -- I'm speaking the favor of the domestic partner registry, 1225. I took heart in the words of the congregationalist minister who opened the proceedings who said don't be discouraged by feeling like an idiot or feeling like a fool. I do feel like an idiot testifying for this over and over again. But I'm so glad that you raised the issue again, it's very important.

In 1987, when I first testified before the Suffolk Legislature, it was eventually -- it was for the eventually successful measure to add gays to the Human Rights Commission domain. The bills passage in 1988 generated no small amount of newspaper copies. One piece being the front page Newsday headline and another being a conservative party flier with their leader's pictures on it yet announcing that bestiality and child molestation were now legal. And I have this. And it is just this kind of vilification, institutionalized vilification, which legislation such as 1225 would help to offset. Our absence to access of accepted social structures makes our lives increasingly difficult in these increasingly complicated times. Do any of our Legislators really for us to continue not being able to visit our dying mates in hospitals or to be thrown out of our

apartments when our partner dies or for distant cousins thrice removed to surpass out chosen families in inheritance rights? Do any Legislators really want these injustices to continue?

As I detailed to this Legislature, the same Legislature, most recently on August 27th 2002 all major medical institutions affirm that gays are no way disordered nor in need of any change nor treatment nor sanction. Indeed we are your children, your sisters, your brothers, your mothers, your fathers, your fellow taxpayers. We write many of the books you read, the plays you attend, the songs sing. And we protect you on police forces and we fight your fires. The proposed domestic partner registration -- legislation is simply a foundation for our entree into the host of benefits available to heterosexuals through the single act of marriage.

I thank Legislators Postal and Cooper for introducing these measures again and also Legislator Guldi who has before introduced similar measures. And I thank those of you who have consistently supported lesbian and gays in earlier times when it was more difficult than now. I remind you all of the conservative persuasion, the conservative's father, Barry Goldwater, Barry Goldwater, whose wife incidentally founded Planned Parenthood of Arizona, was a fiscal conservative and a social liberal who loudly and often supported individual privacy and gay civil rights. Thank you very much.

APPLAUSE

P.O. POSTAL:

Thank you. Philomena Ostapchuk.

MS. OSTAPCHUK:

Good morning. Thank you for the opportunity to speak to you. Thank you for listening. My name is Philomena Ostapchuk. I'm a mom, I'm a research assistant professor at the State University of New York. My husband and I met here on Long Island, we married, we have a home, we've been residents for about 25 years, and we have two wonderful teenage boys. I want to share with you a little bit of my life in maybe helping you make a decision on your vote on the domestic partner registry. When my teenagers are, once in a while willing as you might know how teenagers are these days and have been in the past, when they're willing to relate to you and talk to you about what their dreams are, both of my boys shared with me their dreams of their families in the future, their dreams of raising their children, their dreams of having a life here. The one difference between my two boys is one is straight and one is gay. I want the best of my kids, and that's why I'm here. And I'm asking you to please consider a yes vote for

this registry. This gives an opportunity for these kids like my son, my gay son, to live a life and give the best that he can to the people that he loves. And I think that's all I have to say. Thank you very much.

APPLAUSE

P.O. POSTAL:

Thank you. Geoffrey Touretz.

MR. TOURETZ:

Good morning, Madam Presiding Officer, Members of the Suffolk County Legislature. I am Geoffrey Touretz, Principal of Walt Whitman High School, and I'm the first speaker to speak in regards to the potential purchase of the Paumanok-Camelot property. In listening to all the previous speakers, it seems that the prevailing theme as so many people have come before you this morning is to speak to the needs of individuals who need protection and support by you, their Legislature. This issue strikes us much the same way. In the origin of this particular project, a tremendous amount of work was done by Dr. Walter to document the environmental impact of construction on the property and to protect the property for those who are concerned primarily with those kinds of issues. And indeed, that property is used by the students of Walt Whitman High School's advanced placement environmental science class, the hundreds of student who study environmental science, Walt Whitman's environmental club and has potential to be used as a facility for the district in that regard.

A lot of discussion has taken place whether or not this area is a wetland, how wet it had to be to be a wetland, where the wetness came from, what -- elements of the bio-enclave would be threatened by construction. And we're very concerned about those issues at Whitman, but we're also concerned about the 2500 people who come to Walt Whitman High School everyday to receive their education, to go to work, to serve the residents of South Huntington. The impact of potential construction on that property takes one of the remaining barriers separating the campus of Walt Whitman High School away, and allows Jericho Turnpike to clearly enter the campus of our school.

As County Legislators, if this was your own individual school, first of all, you'd be very proud of Walt Whitman High School, and as a County Legislators I know you are much more general sense. But secondly, if this was your high school and this element of construction was intruding upon your campus, upon the health, safety and welfare of your children as they participated in

activities on campus, as they were threatened by potential waste treatment developments, where they were impacted by the traffic and congestion that commercialization would bring, you'd be deeply concerned about that potential development, and you would do much as you could to contain it and allow the campus to exist in a form that allows students the benefit of that campus in a way that their education clearly should proceed. There'll be other speakers on this topic as well. Thank you for your consideration.

P.O. POSTAL:

Thank you. Before we continue, I have got to stop the meeting, because we have only nine Legislators, we do not have a quorum. Thank you. Okay. We can continue. We have a quorum now. Next speaker is Robert Baumann, another Copiague resident. Welcome, Mr. Baumann.

MR. BAUMANN:

Had good morning, Madam Presiding Officer, Ladies and Gentlemen of the Suffolk County Legislature, friends, fellow gun nuts and misguided misinformed opponents, should there be any among you, as you may have surmised by now, I'm here in support of the enactment and adoption of 1301, which would pass the -- in my mind -- totally unnecessary and irrelevant sound abatement waiver to the obstacle to reopening the Suffolk County Trap and Skeet Range. Rather than going through the litany of testimony and statements that have been made by myself and others over the last 20 odd months since the range has been closed, I'd like to swing my argument towards reopening the range to something that was brought up by advocates of an entirely different matter before this body, and that is the basic concept of fairness.

We Americans pride ourselves on being fair. We pride ourselves on treating the underdog with at least as much consideration as we would like to enjoy. So let's examine fairness. The range has been in operation up until December -- October of '01 for approximately 20 years with an impeccable service and operating and safety record. Now, late comers to this and to other areas in both Nassau and Suffolk have over a period of time forced the majority of people who had enjoyed other and similar recreational and entertainment pursuits to adapt to their way of thinking. I ask you to recall for a moment or two the race tracks, the -- lost my train of thought.

LEG. VILORIA-FISHER:

Airports.

MR. BAUMANN:

The race tracks the airports and other facilities that might not necessarily be entertainment related, but it seems to me that when someone moves into an area, as one of our previous supporter speaker has mention, it's incumbent upon them to do their homework, to ascertain whether or not they are committing themselves to a 30 year mortgage and plunking down a considerable amount of money and other investment to ensure that they're not buying property someplace where they would not feel the ambience comports to their desires. People have moved into our communities and suddenly discovered to their horror and through their negligence and that of their lawyers and their real estate agencies that, My God, there's an airport, there's a generating plant, there's a shooting range, there's a noisy marina, there's a shopping center, there are all sorts of things that generate much of the noise that is attendant to our lives. Noise is something that we must live with and adapt to. I recall some years ago visiting an uncle in Brooklyn who lived right next to an L, and every time the train went by, everyone stopped speaking for a few minutes. And my dad at that time said, doesn't that bother you, and my uncle said, what?

P.O. POSTAL:

I'm sorry, but your time is up.

MR. BAUMANN:

Thank you very much. I'm in complete accord with doing whatever it is to open up the range as soon as possible.

APPLAUSE**P.O. POSTAL:**

Thank you. Next speaker is Joyce Trebich. Is Joyce here?

MS. TREBICH:

I want to thank you for hearing me today. My name is Joyce Trebich, and I'm president of PFLAG Long Island. PLFAG is the acronym for Parents, Families and Friends of Lesbians and Gays. The last time I spoke to some of you, I pleaded for you to be fair and give the GLBT community some of the benefits and dignity that the rest of us already have by creating nothing more than a domestic partner registry for Suffolk County. I believe I represent the thousands of

families and parents of gays in Suffolk County. And if you take into account that ten to 15% of the population is gay, and then add their straight parents, family members and friends, you might come to the conclusion that a large part of our constituencies support this registry. I'd also venture to guess that it might even be the majority.

My husband and I have three children, two boys that are straight and my daughter who's a lesbian. That were raised with love, they've had a wonderful family life. And my daughter came out to us seven years ago. She was 24 years old at the time. She's beautiful, intelligent, and a wonderful human being. She is not a freak, nor is she a pervert, nor is she less than. She lives a very quote normal life-style, no different than our straight sons. They own a home in Suffolk County, and pay their fair share of taxes. And to be honest with you, I do resent being here, and I resent being here because I believe that the gay community is not even asking for equality. All they are asking for is a registry, a place to register in case an employer decides to give them benefits. We are not asking for the moon, we are not even asking for equality. Just a little bit of fairness to the thousands of gays that live with bias and hate every single day of their lives.

MS. RAPP:

Here, here.

APPLAUSE

MS. TREBICH:

If you vote yes for this domestic partner registry, you will be giving respect and equality to all your constituents, and you do represent all. So on behalf of the thousands of parents of gays and their families and their friends in Suffolk County, I respectfully ask you to set aside your biases, to set aside your partisan politics and do what is fair and right. And please vote yes for this registry.

APPLAUSE

P.O. POSTAL:

Thank you. I know people feel very strongly about this matter. I'm just going to request that you hold the applause, because when you applaud, we lose time from the public portion, and somebody at the end of the list might not get a chance to speak. So, please, I know it's difficult, but, please, avoid applause. Next speaker is James Wightman.

MR. WIGHTMAN:

Good morning. I'm Jim Wightman from Southampton. I am the secretary to the Southampton Pistol and Rifle Club. So I'm speaking more or less on behalf of everybody east of here. We do want the range open, and we do want you to fairly consider that the noise level restrictions are too low. Thank you

P.O. POSTAL:

Thank you. Next speaker is Maureen Ariola.

MS. ARIOLA:

Good morning. I'm Maureen Ariola, and I live in Holbrook. I am the captain of the shotgun squad for the Caribou Rifle and Pistol Club. I am in favor of 1301. And I would just like to point out one fact to all of the members of this body, the fastest growing segment of the shooting sports community is women. Thank you.

P.O. POSTAL:

Thank you. Next speaker is Bill Kirchmort. Another neighbor from Lindenhurst.

MR. KIRCHMORT:

Good morning. I'm here to speak to you on a number of issues involving the range. First and foremost, I'm a retired court officer, I'm an instructor for the NRA Rifle, Pistol, Shotgun, Personal Protection, and I'm a Boy Scout merit badge counselor. This is one of the few facilities that we have to teach Boy Scouts shotgun shooting. That is one of the major reasons and the only location we get to teach the boys. People who are going for Eagle Scout now who don't have this merit badge are being precluded from going for it. As to the state law on the noise, I provided to Ginny Fields the state law on the noise decibel level. All this bill will do is enact a state law and have that take precedence over the existing noise bill. I urge passage of this bill. I urge that the range be open at the earliest possible date. We have been waiting now for a long time. We know there's vendors out there, but due to the excessive cost due to noise abatement, we can't get anybody to open the range. I hope that you move on this today. And I hope that an RFP is done shortly so that we can get somebody out there and Boy Scouts and others who shoot can get an opportunity to utilize this facility at the earliest possible date. Thank you.

P.O. POSTAL:

Thank you. Dr. William Walter.

MR. WALTER:

Thank you. I'm William Walter from Huntington. I'd like to urge the County Legislature to pass Resolution 1228, which is the first resolution in the Environmental Land Acquisition and Planning section of your agenda today. I'd like to talk to three aspects of the acquisition of the Camelot-Paumanok Wetlands. First, it's location. It's located in the western section of Huntington, south of Jericho Turnpike. As you've heard, on the eastern end is the Walt Whitman High School, on the west is the West Hills Day Care, to the south there's some homes on two acre or more properties and then the West Hills County Park.

Why is this an usual and to be protected open space? It is part of the terminal moraine that in this region in the County, the Harbor Hill and the Ronkonkoma Moraines have intersected to produce the highest point on Long Island. The hills and valleys, there's over 65 feet of difference in elevation on this ten acre property, and it has maintained an unusual assemblage of animals and plants, including the wood frog, which is a threatened species, a possible habitat for the endangered tiger salamander. It has an excellent large stand of the yellow trout lily, and it has a number of unusual birds, including the scarlet tangier, which is a threatened species under study at Cornell University. This property is on the top of the open space lift for acquisition. It's been endorsed by every naturalist that has visited the property. And you've heard already from the principal of Walt Whitman High School the use for which it will be placed.

I'd like to describe that a little bit more because it will be a partnership between Suffolk County, the Town of Huntington, and the South Huntington School District. The Town of Huntington has pledged \$176,000 to put an outdoor nature laboratory on this property and to maintain that property over that nature center over the course of the years by spending at least \$75,000 for mentors and part-time experts to staff the nature center. This property is unusual in that sense in that not only is it a precious open space that needs to be preserved, but it will be used by the citizens of Huntington as well as others in Suffolk County for benefit and learning of how this -- how the Island came to be and how it spawned this assemblage of plants and animals. To aide you in understanding that, I've taken a series of pictures last month, and I would like to leave you -- each of you a copy of this report that gives pictures of the Paumanok Bioenclave and some list.

P.O. POSTAL:

Thank you. Just give it to the clerk who's right there. Your time is up.

MR. WALTER:

Thank you very much.

P.O. POSTAL:

You're welcome.

LEG. VILORIA-FISHER:

There's not a quorum.

P.O. POSTAL:

Okay. We have to hold off for a moment until --

D.P.O. CARACAPPA:

I'm here.

LEG. VILORIA-FISHER:

Oh, I didn't see him.

D.P.O. CARACAPPA:

I'm here.

P.O. POSTAL:

All right. Our next speaker is Dr. William Walter. Is that Dr. Walter? Sorry. Joseph Raub. Joseph Raub. And after Joseph Raub our next speaker will be Ray Bettinelli.

MR. RAUB:

Good morning.

P.O. POSTAL:

Good morning.

MR. RAUB:

I'm Mr. Raub from West Babylon, and I'm here to ask you to pass 1301-2003. It's for everybody's benefit. If you go into shooting sports, you have to be proficient. And if you don't have a place to shoot, your proficiency lacks. And that plus the fact that this law will barely upgrade us to the state status and eliminate future hearings such as this, I think you should go along with it. Thank you.

LEG. VILORIA-FISHER:

Thank you. I want thank you very much. Next speaker is Ray Bettinelli, followed Walter Ratuchney.

MR. BETTINELLI:

Good afternoon, Legislators. Thank you for the time to address you. I speak on behalf of the Peconic River Sportsman's Club as past president, and I'm currently on the Board of Directors. We support 1301-2003. I won't take your time to reiterate just about what's been said by everyone here, but I would like to ask the Legislators one question, if I may, which I haven't heard anybody here mention at ever -- at any of the prior meetings that I've attended. We're talking about experts that you people brought in. You spent a lot of taxpayers' money to get experts. We heard the Board of Health tell us that if you were to change that rifle -- pistol establishment to anything other than what it currently is, it would be a five to \$6 million clean up. Why aren't we considering perhaps a noise abatement investment of -- hypothetical if we spend \$500,000, we'd be five-and-a-half million dollars ahead and perhaps we could get somebody to operate there at a profit. And we would be ahead a lot of money. Nobody seems to want to address why the County isn't spending the money to provide noise abatement and perhaps placate the people who did make a mistake and bought next to a range. Thank you.

P.O. POSTAL:

Thank you. Next speaker, Walter Ratuchney, followed by Robert Hawkins

MR. RATUCHNEY:

Yes, good morning. Thank you for having me here. I'm just here -- I'm just going to talk on a personal level on the domestic registry law. I understand I'm a citizen of Suffolk County for many years since 1960, almost all of my life. I enjoy the domestic partnership with a person that I met in 1971. We spent 20 years together. It was a loving relationship, it was a great relationship. We were respected by our neighbors and everyone else. Unfortunately, John suffered from juvenile diabetes and passed on in 1991. But not after I cared for him over for

over a year-and-a-half of my time. And it was because I loved him and I wanted to be with him and it is -- it is worth more to me to spend that time with him ill than not.

And in the end in 1991, John lost his leg, he had lost his eyesight, he was on dialysis, and I took care of all of that in evening after working a full-time job all day. In 991, John had passed and unfortunately, I could never come to closure, because after 1991, after all the care I did, the family took over. John was not allowed to be buried in the plot that we had chosen, he was buried in the family plot. And maybe a domestic partnership -- domestic registry could have helped in that area so I could come to closure with that. Now I'm enjoying another relationship of nine years with my partner Rob, and I don't want the same thing to happen. I want to be able to enjoy that and have something documented by the County. I know some Legislators feel it may cost money, but my family and myself have given -- have paid taxes many years. And maybe just this little piece back to me would be something that I would appreciate from all of you. I thank you for your time, and I'm not going to take anymore, because everyone else has covered the legal aspects it and everything of it. Thank you very much.

P.O. POSTAL:

Thank you.

MR. HAWKINS:

Madam Presiding Officer, Legislators, my name is Robert Hawkins, Jr. I'm a professor emeritus, SUNY Stony Brook. I'm president emeritus of Long Island Gay and Lesbian Youth. I've been a taxpaying resident of Stony Brook for over 30 years. I was also a Commissioner on the Suffolk County Human Rights Commission for ten years. And I'm speaking in favor of the establishment of 1225, the registry for domestic partners in Suffolk County.

Actually, I've been speaking and working for human rights for homoerotic individuals in this County for over 30, years and it sometimes feels that the battle will never end. Among those efforts was teaching a course entitled, "Overview of Lesbian and Gay Issues," at the University of Stony Brook for almost 20 years giving me some insight into the state of homoerotic individuals both, historically and currently. And the fact that I am a gay man, gives me additional insight. The proposal for domestic partner registry is a compromise, and compromises are often the only way to approach even a modicum of justice where we are concern.

We don't have equal rights when it comes to our relationships with someone we love, because that person we love is someone of the same gender. Why this love is deemed inferior to love between people of different genders is puzzling, but the fact remains that it is so deemed. Additionally, affirmation of that love is often seen as threatening to the status quo. The proposal is an attempt to give us access to some other rights that married heteroerotic people have simply by the act of marrying. Giving us the right to marry has obviously been seen as threatening to some structure in this society. However, arguments for denial of that right simply don't make any logical sense. They're emotional response is aimed at relegating our love to a second class status.

Since it's abundantly clear that marriage is not going to be possible for us in the immediate future, denying us the right of marriage becomes the issue that ultimately must be correct. I trust that you are able to understand the pain and annoyance caused by the refusal of this nation to give our deeply personal loving relationships the legitimacy that they deserve if we are to indeed equal citizens -- citizens of equal status to heteroerotic people. This Legislature and other units of Suffolk County have recognized our legitimacy in many ways, and this is one more step in the right direction. Your approval simply means that you understand the need for assuring us the right to the pursuit of life, liberty and happiness. Thank you very much.

APPLAUSE

P.O. POSTAL:

Thank you. Next speaker is Rob Jackson.

MR. JACKSON:

Hello, ladies and gentlemen, I'm Rob from the Hampton Bays area. And I want to point out that 80% of the people in the residence that I reside in identify as lesbian or gay. I was also the operations manager for Long Island's Gay and Lesbian Community Center. And we would have about five hundred people come through our building in a given month, and that speaks to the vastness of the gay -- of our gay and lesbian community. And I want to urge the Ladies and Gentlemen of the Suffolk County Legislature to vote positively in support of this referendum, 1225. Also, I want to also remind everybody that each -- that the government must embrace its governed, and to do -- and making this positive step is an embracement of our community. Thank you very much.

P.O. POSTAL:

Thank you. Next speaker is Dr. Thomas Shea.

MR. SHEA:

Good morning, Presiding Officer Postal.

P.O. POSTAL:

Good morning.

MR. SHEA:

Members of the Legislature. My name is Thom Shea, and I speak to you this morning as Superintendent of Schools of the South Huntington Union Free School District. By approving Resolution 1228, a unique opportunity exists for the County to demonstrate its support in a number of ways. First, to preserve environmentally sensitive lands. Second, to foster the deliberate and reasoned development of the precious few open parcels remaining in Western Suffolk County. And third, to join a unique partnership between the Town of Huntington and the South Huntington Union Free School District created by this issue.

Acquisition of the property by Suffolk County and the Town of Huntington will enable the creation of a freshwater outdoor classroom. In addition to contributing \$800,000 towards the purchase of the parcel, the town has also pledged to develop a nature center at a projected cost of a \$176,000 plus annual programming, administrative and maintenance costs of \$75,000. I believe each of the members have received the specific proposal from Town Supervisor Petrone. The South Huntington School District joins the town by incorporating the outdoor education classroom into its academic program at a variety of grade levels, most notably at Walt Whitman High School, which abuts the property. It's used as an environmental classroom, permits us to use outside experts as mentors to work with faculty, students and community members. Topics such as the study of the impact of freshwater wetlands on the ecosystem of the surrounding area, student developed research projects and hands-on examination of endangered species habitats can be included as part of the curriculum that right now we can only dream of.

We are already exploring the involvement and integration of nearby resources such as the Cold Spring Harbor Laboratory and the State Fish Hatchery, also in Cold Spring Harbor as part of our new environmental science curriculum born from the acquisition of this area. While the New York State Department of Transportation has undertaken a recreation of freshwater wetlands in

conjunction with their recharge basins in partnership with several East End school districts, this site creates a singularly unique opportunity as a natural class one freshwater wetland on an actual morainal site. I believe you'll agree it's critically important to save those portions of our landscape to demonstrate the unblemished features ours Long Island's formation. The academic benefits of such a classroom environment for the students of South Huntington and the surrounding Town of Huntington School Districts far outweigh the proposed commercial development of this property should the parcel not be purchased for public use by the County and the town. The proposed Camelot project of three-and-a-half story 120 bed apartment-type facility -- I'm sorry.

P.O. POSTAL:

I'm sorry, your time is up.

MR. SHEA:

Thank you very much.

P.O. POSTAL:

Thank you. Next speaker is Michael McEmry. Am I pronouncing that right?

MR. MCENROY:

Good morning, Madam President and Legislators, my name is Mike McEnroy --

P.O. POSTAL:

Sorry.

MR. MCENROY:

I'm from St. James, I'm a lifetime resident of Long Island and 42 year resident of Smithtown. I'd also like to give my you support 301, exempting the shooting range from the noise code. I am also a Deputy Inspector in the New York City Police Department, I'm a Boy Scout Shotgun Merit Badge Counselor also too. I began shooting at the range when I was 16 years old. I am a lifetime hunter and a lifetime shooter. This morning we met some students who like my son who is also an honor role student from Smithtown Middle School, but he's an athlete also, but he does not play basketball and he does not play track and field. Ho shoots skeet, and he's been shooting skeet competitively for two years now.

Presently the only place that he can shoot is the Brookhaven Town Range. Unfortunately, due to the closure of the range, the range, the Brookhaven Town Range, is overcrowded. On a Saturday or a Sunday, if you come in at nine o'clock in the morning, you are not going to shoot until two or three o'clock in the afternoon and the range closes at five. Because of that, he has not been able to practice. And I'm in the process now of trying to become a member of one of the many private ranges here to try to get him out to shoot more. Opening up the range would give an opportunity for our students who don't play physical athletic sports to pursue the shooting sports. Thank you so much for your time.

P.O. POSTAL:

Thank you. Next speaker is Alan Cohen, followed by Ellen Rassiger.

MR. COHEN:

Good day. My name is Alan Cohen, I live in Oceanside. I realize that's not in Suffolk, but I just wanted to speak on behalf of the very large body of Nassau County residents that cheerfully come out to Suffolk and leave fortunes of money behind not just at the range, but at shopping malls, at food and recreational facilities when they come out here. It's true that if the noise statute were fair and it was excessively loud that we would be out of luck, but I don't believe that's the case. I believe that the state law is a reasonable one, it should be enforced. And if you gave the opportunity for Nassau County residents to again come out here and spend money, we would be glad, and I believe the residents of Suffolk would too. Thank you.

P.O. POSTAL:

Thank you. Next speaker is Ellen Rassiger. I don't know if she's here. She had to leave. She had time constraints and I think she had to leave. John Toronto, and following John Toronto will be Conrad {Dobrowski}.

MR. TORONTO:

Good morning, and thank you for affording us the opportunity to speak to you today. My name is John Toronto. I'm a retired teacher, a resident of Manorville, and have been a Suffolk County resident for 40 years. On a personal note, as I look around, I did see Vivian Fisher here, a past teacher that I knew at Middle Country Schools. I'm addressing you today as President of the Peconic River Sportsman's Club. Our club is located on 400 acres in Manorville, and besides rifle and pistol ranges, we include five trap and skeet fields, a fire stand and a 14 station sporting

clays course.

Since 1980, when I first became a member of Peconic, we have had a three year waiting list. Since the closing of the Suffolk County Range, our waiting list has become a five year waiting list. Members are applying from as far away as Brooklyn. Point I'm trying to make interest in the shooting sports is growing, and there's a demand for additional shooting facilities. The 400 resident members of the Peconic River Sportman's Club strongly encourage you to approve IR 3031 -- sorry, 1301 and take immediate action to expedite the reopening of the Suffolk County Range. At this point, simply it's the right thing to do. Thank you.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Next speaker is Conrad {Dobrowski}. Conrad {Dobrowski}? Margo Myles. After Ms. Myles will be Joy Squires.

MS. MYLES:

Good morning, Presiding Officer Postal and Legislators. And thank you for the opportunity to speak on behalf and encourage your vote in support of Resolution 1228 for the acquisition of the Camelot-Paumanok wetlands. I know that Supervisor Petrone has already sent his own personal request for your support, and he has spoken himself before the ELAP Committee in support of this acquisition. The Camelot property has been a priority of the towns for many, many years. Our 1974 Open Space Index, which identified at the time what we felt were the most important open space tracts in the town, identified this as a priority two. Priority two, only because it was not at that time threatened by development. Priority two are sites that are superior ecological quality, they're sites that are deemed to be a loss if they're changed or developed. They include properties that are considered to be essential to future open space needs, especially in heavily developed areas.

The Camelot property absolutely fits all these criteria. The County Planning Department in their review of the site, identified several significant environmental features when they were scoring it against your County criteria. The subject parcel contains New York State regulated freshwater wetlands, including two open ponds. The wetlands are part of an expansive watershed that extends north to Cold Spring Harbor. The site is heavily wooded with red maple, oak and

hickory trees. The forest includes a dense understory, including several protected native plants. Of particular note is an exceptional ground cover of yellow trout lilies that is possible the largest colony in Suffolk County. The site is located along the terminal moraine and is less than a half mile away from the West Hills-Melville Special Groundwater Protection Area, it's adjacent to Walt Whitman High School, and could be used to provide outdoor education learning opportunities.

You've heard a little bit about the towns proposal to develop an outdoor classroom. We're not envisioning a building, but we're envisioning a whole access trailway with catwalks and observation platforms so that anybody could come to this site, could utilize the property, could gain an understanding of what's important out there. We have pledged to develop an education program, to hire a part-time environmental educator, to allow groups and individuals from all over Suffolk County to come and visit this site and understand why it's so important to us. We know that you have many other projects that you're going to be considering, and we hope that you'll look at this as an element that is extremely important, a little bit of the wild west in the County. We have thought many times about why this site is so important, and I'd like to look back to what Rachel Carson once advised. And she said the best way to truly understand the importance of property is to look upon it as you're seeing it for the first time and then as if you'll never see it again. We hope we'll always have this site for use.

P.O. POSTAL:

Thank you. Our next speaker is Joy Squires, followed by Steve Henaghan. All my old buddies are here today.

MS. SQUIRES:

I'm Joy Squires. I'm Chair of the Town of Huntington's Open Space Committee, and I'm also Chair of the Town's Conservation Board. Members of town government have spoken extensively to the ELAP Committee on the Camelot-Paumanok wetlands, 1228. After the Town of Huntington passed its bond referendum in 1998, this property was included in the first town board resolution to acquire property in 1999. We have been working since that time on acquisition. Beside the natural attributes of the site, which you have heard from Margo Myles and from Dr. Walter, it's proximity to Walt Whitman High School and West Hills Day Camp make it an ideal site for educational programming.

I'm a retired teacher, and when you get the superintendent of a school district and a principal of

the high school speaking in the Legislature on behalf of the property, it's pretty exciting, at least I think so. Margo has outlined the towns educational proposal. I'm here to pledge the involvement of the Town's Conservation Board and also Huntington Audubon has indicated their wish to be involved in programming at the site. I do hope you will consider this proposal positively. It would indeed be a glorious day if you would approve both Camelot in western Suffolk and the Duke -- in the west and the Duke property in the east. It would be indeed a wonderful day for Suffolk County. Thank you so much.

P.O. POSTAL:

Thank you. Next speaker is Steve Henaghan, followed by Theodore Robinson. Hi, Steve.

MR. HENAGHAN:

Hi. Thank you Legislator Postal for this opportunity to address the Legislature. My name is Steve Henaghan and I live in Mastic. And I'm here in support of Resolution 1225. A few years ago, my partner and I went to dinner with another gay male couple. At the time, they were together thirteen years. And in that dinner, we went to a Chinese restaurant, we were talking about many different things and life and so forth. And the one person, his name was John, told us that even though he never told his mom formally that he and his partner were together, she knew, she loved Rocky, oh he was just the greatest thing that walked on water and everything else. And a month later, John died. He was 46 years old, he died of a massive heart attack. It was very sudden. They lived in Brentwood. And John died in the morning, and before the day was over, John's parents were at the home that John and Rocky had shared together for thirteen years, grabbing things. They were like contestants on Supermarket Sweep, I want my son's wallet, I want my son's car, I want this, I want that. So much for his parents loving Rocky the way he thought.

Would 1225 have helped stop his parents from doing that? No, I don't think so. But would it have given the surviving partner at least a leg to stand on to say, hey, hold on, wait a minute, we are domestic partners? Yes, it would have. It most definitely would have. He didn't expect to die, it was very sudden. He didn't have a will, and that left his partner in a very big hole, and it was just devastating to him. Please, I know many of you will not vote no matter what anyone is says for anything that will bring fairness upon lesbian and gay people. We truly are at your mercy. I've been coming here for 15 years, begging this body for some bit of mercy. This does not give us the same rights that all of you as heterosexual people have and take for granted. If your wife dies, if your husband dies, none of you will have his in-laws running through your

house like contestants on Supermarket Sweep, grabbing things. This is what happens to us all the time. Please vote for this bill. Do what's right you, you know what's right to do. You would not want something like that happening to you. Please, vote yes on 1225. Thank you.

D.P.O. CARACAPPA:

Thank you. And the next speaker is Theodore Robinson.

MR. ROBINSON:

Good morning, members of the Legislature. My name is Theodore Robinson from Bellport. I'm here speaking on behalf of 1301, urging you to pass that legislation. I just like the recent statistics from the National Sporting Goods Association, in 2002, there were 19.5 million people who participate in hunting, 18.9 million in target shooting and 3.6 million in muzzle loading. That's 42 million people who enjoyed the shooting sport in the country in 2002m compared to other sports like golf with only 28 million. This means that on average there is 50% more shooters than there are golfers. If we look at what's happening in Suffolk County now, I think nobody will disagree with me that the facilities that are afforded to the shooting sportsmen are much underrepresented in comparison to those afforded to the golfers and other sportsmen.

This range that was closed in Yaphank -- I'm sorry in Southaven Park was not closed because of any hazardous activities going on there, it was closed because of poor management. That facility was shotgun facility. Shotgun sports is one of the largest growing segments of shooting sports. Within the shotgun sporting area is sporting clays. This facility offers skeet, trap, sporting clays and { fire stand} . Sporting clays is the largest growing segment of the sporting clays -- I mean of the shotgun sports activities. This facility was the venue for two New York State championship sporting clay shoots. We now lost that facility, and is it's being closed because people in the area are using this noise order as a specious means for keeping it closed. We had a vendor who was all ready to sign. The reason he could not is because he could not afford the extreme cost it would have born on him in order to make that facility meet the notice ordinances. So implore you to pass this legislation, exempt the shooting range from this noise ordinance. It's the right thing to do, and I hope that you do it. Thank you.

D.P.O. CARACAPPA:

Thank you. Next speaker is Bill Zeller.

MR. ZELLER:

Good morning, Chairpersons, Legislative Members, my name is Bill Zeller. And I'm the owner and founder of Captree Clam Company in West Babylon. I started that company in 1973. Something a little different I'd like to talk about today other than guns. I'm here to ask you to abandon Resolution 1268, and that has to do with some bay bottom out east. This may enable some folks to start aquaculture industry on the East End. The state of the clam business on Long Island has gone from in 1977 we enjoyed about a 70% market share nationwide. Today, the Great South Bay produces less than 1% of what it once did. It's almost immeasurable.

In the Year 2002, the Long Island industry produced about \$12 million worth of clams. This year, it's going to be almost half that due to the stoppage of the Staten Island transplant, which I was a part of. Other states have been taking up slack in the supply of hard clams to the nation, as well as New York State and local markets. I think that's all other than I'd like to see provisions for aquaculture and Long Island. Thank you.

D.P.O. CARACAPPA:

Thank you.

LEG. FOLEY:

Thank you.

APPLAUSE

D.P.O. CARACAPPA:

Next speaker is Rob Parrino.

MR. PARRINO:

Good morning. I'm here opposed to Resolution 1267. I'd like to first thank Legislator Bishop for all his support in the ELAP meetings. I'm currently the President of Paradise Point Oyster Farms, the only oyster farm with a state-of-the-art hatchery in the Peconic Bay system. We support appropriate and effective management of the Peconic Estuary and hope that with appropriate management, this area could once again become a significant shellfish producer.

Suffolk County was once a shellfish giant, is now decades behind the rest of the country. In a collaborative effort with the Peconic Land Trust and the Cornell Cooperative Extension through dedication and hard work and a desire to see a return of an ecological historical and economic

mainstay to Suffolk County, Paradise Point has built a state-of-the-art hatchery, which has provided shellfish seeds to several municipalities and private aquaculturists. Through the Peconic Land Trust we provide tours to the public and educational groups, educating them on modern aquaculture and its benefits. We currently produce 20 to 30 million shellfish annually, and we plant 15 to 20 acres of shellfish beds annually. It has taken seven years of planting clams, oysters and scallops to really see the potential of the lands that I had bought in the past. During this period, we have experienced brown tide, and most recently during the past four years, we have battled a red tide bloom that has decimated almost 90% of the shellfish we have planted.

D.P.O. CARACAPPA:

Mr. Parrino, I have to interrupt you for a second, put this on pause and ask for a quorum. Continue, sir. Sorry about that.

MR. PARRINO:

Recently when I became aware that certain underwater lands became available in an Aquaculture Technology bankruptcy chapter seven case, I saw this as an opportunity to expand Paradise Point's production of shellfish, which I believe and do believe was mutually beneficial to both the County and to my company. Accordingly, I made an offer to purchase the lands, which were previously owned by Aquaculture and which I have applied to redeem and was the successful bidder. I ask you to consider the following. At the auction on the sale of these properties there were no other bidders. Why were there no other bidders? There were no other viable aquaculturists operating in Nassau and Suffolk County. I understand that Suffolk County is in the process of considering various plans to manage the use of the Grant parcels that I have -- sorry about that -- considering various plans through management use of all Grant parcels that have reverted to it.

I would respectfully remind the Legislators that Suffolk County has been considering such plans for decades and decades already. The solution is not at all simple, and there is no reason to assume that it is -- that it is on the verge of any solution. I also wish to remind you that the properties I seek to redeem constitute a very small portion of the total land that has reverted to Suffolk County to be administered under any program it creates. I also think you should be aware that the lands at issue today are not --

D.P.O. CARACAPPA:

Mr. Parrino, your time is up.

MR. PARRINO:

Thank you.

D.P.O. CARACAPPA:

Thank you. Next speaker is Lisa Brieff, and after Lisa it will be Linda LaCara. Ms. Brieff.

MS. BRIEFF:

Good morning, thank you. I am here to also speak about Resolution 1228, to acquire the Camelot-Paumanok wetland property.

D.P.O. CARACAPPA:

Just pull that mike closer to your mouth please.

MS. BRIEFF:

Okay. My name is Lisa Brieff. I am the Environment Chair for the South Huntington Council of PTAs. Along with other members of my Environment Committee, I have organized an earth day environmental awareness fair with the assistance of the Town of Huntington for the past four years. This represents a unique partnership which has been very successful. This year's event was held on May 3rd, Stimpson Middle School in Huntington Station. The purpose of this annual fair is to increase environmental awareness and to empower children and their families to make a positive impact on the environment in their own lives.

Many nonprofit groups representing different environmental issues have participated, all groups bringing something interactive for our students grades K to 12. All of our student participated in the fair, providing wonderful and diverse environmental displays, including science fair projects, our music and art students contributed as well through song and other creative expression. Our high school environment club and other students volunteered their time at the fair assisting younger student with face painting, planting of seeds, collecting canned goods for donation to charity, helping young children navigate a water cycle obstacle course and making crafts and musical instruments with recycled materials.

The PTA's efforts to hold this environmental awareness fair were very much supported by our teachers and administrators. Our school district is committed to environmental education. We

have an active environmental club in the high school and environmental studies classes that if permitted will use the unique Paumanok Bioenclave as an outdoor classroom. This class one freshwater wetland is a habitat for unique plant and animal life as described before. What a wonderful opportunity this would be to have a nature center on this site that students from our district as well as all over Suffolk County could utilize to learn about the world around them. What lessons this would teach them, that it is important to preserve the little open space we have left on Long Island, that plant and animal life is important and worthy of protection. Please do the right thing and preserve this land for generations to come. Thank you very much.

D.P.O. CARACAPPA:

Thank you. Next speaker is Linda LaCara, followed by Dan Gerrish.

MS. LACARA:

Good afternoon. My name is Linda LaCara, and I am President of the South Huntington Council of PTAs. I'm here to respectfully request you to pass the Resolution 1228 to acquire the Paumanok-Camelot wetlands. This property has a New York State designate class one freshwater wetland, which has become increasingly rare in the western Suffolk area. The Town of Huntington in partnership with South Huntington School District are proposing to make this wetland an outdoor classroom. The town has committed to develop a nature center there and maintain it over the years. This would not only benefit the children of South Huntington, but also many students from the surrounding school district areas and all over Suffolk County.

In addition, our PTAs has health and safety concerns in regards to developing this land with a three story congregate care facility. Our first concern is directly related to the headline, which I'm sure you all saw on the cover story of this Sunday's Newsday. The headline was, "Long Island's Deadliest Road," which is Route 25 or Jericho Turnpike. This property is on Jericho Turnpike and Paumanok Drive and is adjacent to the Walt Whitman High School. As indicated in Sunday's Newsday, there has been an overabundance of accidents on this road coupled with many fatalities. We are concerned with the increase of traffic accidents of our school buses, student drivers and cars in this already dangerous area on Jericho Turnpike.

In addition, we are concerned if the congregate care facility is bought, the 12,000 gallons per day of treated sanitary waste will be discharged in to the groundwater next to Walt Whitman High School. The odor and potential flooding of the land that contains underground streams and wetlands is a real possibility. Our final concern is that the biweekly removal of sludge from

holding tanks will cause respiratory problems and produce smelly odors adjacent to our high school cafeterias. We thank you for your help to save this land and thank you for your consideration.

D.P.O. CARACAPPA:

Thank you very much. Mr. Gerrish.

MR. GERRISH:

Ladies and Gentlemen, I'm Daniel Gerrish, I live in Huntington. I've been a resident of Suffolk County for 35 years, and I have enjoyed paying all my property taxes during that period of time. I'm speaking in support of the bill to establish dog parks in Coindre Hall and West Hills County Park. I'll cover three main points. The first is the United States pet culture. The second is the evolution of dog parks and runs. And the third is benefits to the Huntington community.

Our pet culture, the affinity and love for dogs in the family has never been stronger. From the days of Rin Tin Tin, Lassie, Benji, 110 Dalmations, to every other TV commercial that you've ever watched from guide dogs for the blind and handicapped, search and rescue dogs, hundreds of different breeds, to the shy mixed breed at your local shelter. They all have the same thing in common, the capacity to provide unconditional love and enrich the lives of anyone who has ever been willing to open their home to them. They're loyal and trusting companions, and they ask for so little in return. And that's why I'm here today. A very basic need is a safe and legal place to run free and socialize with other dogs and people. This has been recognized by over 1500 cities and towns throughout our nation.

The evolution of dog parks, as society has changed and evolved, so has the needs of its citizens. Forty seven percent of the population have at least one dog in their household. Dogs are essentially pack animals with a strong need to socialize and enjoy the company of other dogs. Without this exposure, coupled with insufficient exercise due to at home isolation, behavior problems can develop sometimes ending at the shelter, compounding the number of unwanted animals. The solution is so simple and ultimately saves local government money. The fifteen hundred dog parks are on municipal land throughout this nation. They are self regulating, all have sensible rules and regulations, some are fee based and have been operating for years without incident due to responsible owners. They are environmentally safe, many are located on the shores of rivers, the oceans and lakes in New Jersey, Connecticut, Massachusetts, California, Oregon and Florida.

Benefits to Huntington specifically, Huntington dog owners will have a place to go with their dogs to exercise and socialize them, make new friends and share health and training related information. Two central locations provide a safe and legal area for our dogs to run and play freely. The result is a better behaved canine citizen, a benefit to the entire community and their own neighborhood. There are no health or environmental issues. Jon Cooper has reams of factual documentation and testimonials from experts in municipalities throughout the US endorsing community benefits. For years both West Shore County Park and Coindre hall have had no incident --

D.P.O. CARACAPPA:

Mr. Gerrish, your time is up.

MR. GERRISH:

Thank you.

APPLAUSE

D.P.O. CARACAPPA:

Barbara Buscareno. After Ms. Buscareno will be Tom Kirdahy.

MS. BUSCARENO:

I am Barbara Buscareno speaking about Jon Cooper's bill to legalize Coindre Hill and West Hills.

D.P.O. CARACAPPA:

Ms. Buscareno, just pull that mike down a little bit.

MS. BUSCARENO:

We've been here for the last year, I believe, speaking about the needs for dog parks. There's probably nothing really new to say other than this is a community need for, we're estimating, about 650,000 tax paying dog owners in Suffolk County. We're not asking you to be the first in the nation to do this, as you've heard there's many of them. This is a trend that probably started in California and moved east. In fact, Suffolk County is probably one of the last places to not have a dog park, a legalized place for off-leash exercise. The County has -- Suffolk County has approximately 11,000 acres that are allotted to 1500 hunters, and that gives them with their dogs approximately seven and a third acres per hunter and their doing. And I'm sure

this -- maybe I shouldn't assume this, but I don't -- would hope that this Legislature doesn't want to send a message that the only dog owners allowed to have their dogs off leash are people with guns.

I don't think I want to have to get a gun to take my dog to Coindre Hall. The other comments that I've heard since I've been attending so many of your wonderful meetings is that dog owners -- that Suffolk County is acquiring more and more land and has fewer and fewer resources to manage it. And I can say that from our experience at Coindre Hall that the dog owners with their dogs have chased out vandals and drug dealers and also have chased away the geese.

Suffolk County residents are also concerned be having access to land that we are paying for. And I can just say that we can't agree more, that we feel we have paid with our tax dollars for a lot of the 45 to 50,000 acres of open space, and the fact that we cannot be on any of it legally is really seen as a very discriminatory act against a very huge number of people. So I'm hoping that you can support Legislator Copper's bill and certainly start to bring Suffolk County into the modern times. And we do have a lot of dog owners, and we really would appreciate your support. Thank you.

APPLAUSE

P.O. POSTAL:

Thomas -- what happened?

MR. KIRDAHY:

Good afternoon. My name Thomas Kirdahy. I'm a resident of Water Mill, and I'm Chairperson of the East End Gay Organization. I've had opportunity to speak with just about all of you regarding this creation of a domestic partnership registry. But as it is my hope you will be voting tonight, I thought I'd get a few last thoughts in. Back in December, I had occasion to attend a White House functioning -- function in honor of the Arts. On that occasion, I had my picture taken with my partner and the President of the United States along with his wife. The four of us, two couples almost on a double date in front of the White House Christmas Tree. It's a lovely picture. I keep that picture, because heaven forbid something bad happened to me or my partner, I may need that photograph as evidence in a court of law to prove to the world that I was in a loving committed relationship.

Right now in Suffolk County, absent the Townships of East Hampton and Southampton, I don't have a right to do that. On that same occasion, I had an opportunity to speak with the Vice-President of the United States, Dick Cheney. What you may or may not know is that Mr. Cheney has a lesbian daughter, who has been in a committed and loving relationship for many years. They celebrate holidays together, go on vacations together, live there lives as a unified family. And yet in Suffolk County, if Vice-President Cheney's daughter were an a resident, she would be a second-class citizen unable to register her committed relationship with the County.

I remind you that we're asking simply for the opportunity to publicly record our private commitment. We are not asking for an endorsement, we are not asking for you to like us, we're not asking you to sanction our relationships. We are asking you to help us to protect ourselves. I was taught that with rights come responsibilities. You have heard from many, many responsible citizens of Suffolk County, and yet we don't have rights that accompany the responsibilities that we have to be good neighbors, to be good family members, to pay our taxes, and to contribute to our society. We're asking you to permit us to publicly record our relationships, so that we may protect ourselves. Tonight, when and if you vote, I challenge you, I challenge you to separate church and state. I challenge you to listen to the voices of people from all over the County who have uniformly spoken in favor of this legislation. I challenge you in your mind's eye to think about the survivors of 9/11, and when you vote, ask yourself, could I vote no if the surviving partner of someone lost in 9/11 were here? Picture that person, tell them their love wasn't real. Please, practice good government and uphold the principal of self determination that underlies the most basic of American freedoms. Thank you.

P.O. POSTAL:

Thank you. Our next speaker is Barbara Mitchell, followed by Maria Manzi. Barbara Mitchell here?

MS. MITCHELL:

Yes. Barbara Mitchell is here with her working partner, Federica. Am here with my working partner, Federica (Fumbulenger}. I want to say because 9/11 was mentioned that { Vita's} relatives were working as search and rescue dogs at Ground Zero that her relatives were working with therapists to ensure people recovered as quickly as they were able to recover. I want to say that I moved to Huntington and to Harbor Heights in Huntington specifically to be near parkland and beaches where my dog and dogs in the past were able to use the facilities that were afforded people 30 years ago in Huntington. I travel right now 100 and some odd

miles to go to Sussex, New Jersey to train { Vita} in herding. I travel forty-five minutes to go to Holbrook to train her in obedience. I travel in the middle of the night secretively to find an empty field to train her in tracking. And I'm asking all of you to please support the bill for Coindre Hall and West Hills Park dog runs, because like the Talmud teaches us, we have an obligation to take care of our animals. Thank you very much.

P.O. POSTAL:

Thank you. Maria Manzi, followed by Vicki Pagano.

MS. MANZI:

Good afternoon. My name is Marie Manzi. I've been a resident of Huntington for 18 years. I've raised my children in the Walt Whitman School District. I'm speaking to you in support of Resolution 1228, to acquire the Paumanok Bioenclave. I was asked this morning why I would take the day off from work to come and speak to you. My children have graduated, I've sold my house. I'm coming because it's still the right thing to do to acquire this parcel. It may not affect me, but it will affect many, many students. You've heard from Dr. Walter, Dr. Shea, Mr. Touretz. They've already formed a partnership that will combine the environmental learning with the classroom situation. The benefits are limitless.

I wish to speak to you on the number one detriment of developing this parcel of land. As Linda LaCara has brought to your attention, Newsday has been reporting that Jericho Turnpike is one of the most fatal roads on Long Island. Last Tuesday, I had to sit with my daughter for over an hour to console her. We were very fortunate in South Huntington schools. The death on Jericho Turnpike that's in that picture that Linda showed you was not from our school district. Unfortunately, Harbor Hills School District was not as lucky. My heart goes out to that family. That is a tragic loss. Please, do not develop this property. Please acquire it, save it. Save many, many future students in South Huntington and Suffolk County. Thank you.

APPLAUSE

P.O. POSTAL:

Vicki Pagano.

MS. PAGANO:

I was ready to say good morning, but good afternoon, everybody. Presiding Officer Post, and all

the honorable guests, Legislators, guests in the back. Who am I? I'm Vicki Pagano. I'm a lesbian. I'm also a Probation Assistant for Suffolk County Probation Department. I am a credentialed alcohol and substance abuse counselor for the State of New York. I am a college student at Empire State University acquiring my bachelor's degree in human and community services. I'm a mother of three grown men who are all responsible contributing citizens of Suffolk County. I am an ex-wife, I am divorced. They're all labels. They all apply to me. There's one label that miffed -- that's missing from all those labels, and that is the recognition of my committed domestic partnership relationship with the woman a love, Kathleen.

We've been together for seven years. We own a home in Suffolk County, finished raising our teenage children together, got them all through high school, into college, everybody's fine. But there's no place in Suffolk County that recognizes that aspect of who I am. So I feel incomplete when I walk around in Suffolk County, when I applied for my mortgage, had to check off my marital status. I'm divorced, but there's no domestic partnership there. There's no registration. My relationship in Suffolk County is illegal basically. I don't fit in Suffolk County. I am here in Suffolk County, but my life is not here. I could easily move to Canada or Vermont or out in the Hamptons, where I can't afford. I don't want to leave my country, I certainly am not leaving my job to move to Vermont, so I'm here, and I'm at your mercy, basically. Me and the countless other people that I might represent who are not here to speak for themselves.

I mentioned at the Legislative Committee Meeting last Tuesday that I feel like my relationship and myself and others like me are swept under the amber waves of grain, and I no longer want to be swept under that rug. I want to be recognized. I want to be -- I just want -- I want to be here. I want a little box on the applications I fill out that say domestic partnership registry number. And that's all I really ask for. It's an idea who's time has not come, it's a long overlooked issue of -- to quote Ms. Fisher, it's an overlooked issue of basic human dignity to have your relationship recognized legally. And I'm begging the Legislature to do so today and join the ranks of past people who have fought for people's civil rights. I'm just one of those people. Thank you.

P.O. POSTAL:

Thank you.

LEG. VILORIA-FISHER:

Thank you.

APPLAUSE**P.O. POSTAL:**

Next speaker is Peter Driscoll. Peter Driscoll, followed by Linda Fisher.

MR. DRISCOLL:

Hi. My remarks I'm addressing to pertain to 1301. And they are principally identifying with fairness and practicality.

P.O. POSTAL:

Please speak into the microphone, it's hard to hear you.

MR. DRISCOLL:

My points are really having to do primarily with fairness and practicality as it relates to the facility over at Suffolk Trap and Skeet. To require the noise abatement law to hold in order for this facility to be opened is impractical and really unfair, unfair to the prospective vendor. The vendor could never recoup or recapitalize his investment, which I understand in terms of the sound berm and wall representing a sum of money of around a quarter of a million dollars, as much as a half a million dollars. The folks who bought those homes were volunteers. They knew they were moving into homes that were abutting to a shooting facility. This place never opened space on a requirement to abide by the abatement law. They stand to gain enormous financially, and to the detriment of hundreds, thousands of shooters, who have participated in this facility, which has become pretty much an institution. I strongly recommend that you pass 1301. Thank you very much.

P.O. POSTAL:

Thank you. Our next speaker is Linda Fisher. Is she hear? Linda Fisher? Okay. Next, Ellen {Neff}. Ellen {Neff} here? Next, Barbara Archer. William -- is that Barbara Archer?

MS. ARCHER:

Yes. Barbara Archer.

P.O. POSTAL:

Followed by William P. Toner, III.

MS. ARCHER:

Good afternoon. My name is Barbara Archer. I'm the Vice-President of Taxpayers to the Save the Paumanok Bioenclave as well as the past president of the South Huntington Council of PTAs. And presently, I'm the President of Stimpson Middle School PTA. I strongly urge you to pass Resolution 1228-2003, to acquire the Camelot-Paumanok Bioenclave. I agree with the speakers who went before me, Dr. Walter, Dr. Shea, Mr. Touretz, Linda LaCara, Lisa Brieff, Maria Manzi, and I'm not going to go over their points. I'm just going to speak to you for a moment about the water. This land sits on an important aquifer and recharge basin for our water. Polluting this area with the extra nitrogen from such a congregate care center would affect the Huntington-South Huntington areas as well as Cold Spring Harbor, Woodbury and Plainview. The extra nitrogen from this plant, sanitary waste system, would certainly again hurt our water system and impact future generations.

When speaking to Senator Marcellino about this, he agreed that it probably would happen, but it would take at least 100 years to make -- to have a problem. Considering Huntington just celebrated its 350th anniversary and God willing will celebrate its 450th anniversary, we'd like to see it with clean water because of your help. Thank you very much.

P.O. POSTAL:

Thank you. William Toner.

MR. TONER:

Good afternoon. Good afternoon. My name is William P. Toner. I'm from Medford, New York.

LEG. FOLEY:

Mr. Toner, can you raise the microphone closely. Thank you.

MR. TONER:

I've been a lifelong resident of Suffolk County. I have lived less than 100 yards -- this is in regard to the Trap and Skeet Range in Southaven Park. I wish you would pass the resolution. I have lived less than 100 yards from operating rifle and pistol range. I have heard no complaints. I have never heard any complaints from any neighbors, and I value their presence in our community. I'm a lifetime NRA associate and hold a lifetime sportsman hunting and fishing license from New York State.

I have frequented the Suffolk County Trap and Skeet range in Yaphank. It's been clean and safe. The only thing I can really add to the other comments that have been brought up is that we do have a firearms hunting season within that park boundary. We have a water fowl season. I would hate to see that be infringed upon. And the operation of the range seems to go with the motif and history of the park. Thank you.

P.O. POSTAL:

Thank you. Bill Nicholson. Bill hear? After Bill Nicholson, Sharon Gillen.

MR. NICHOLSON:

Presiding Officer and Members of this Body, my name is Bill Nicholson. I live in Coram, New York. I've lived in Suffolk County since 1973. My credentials are I'm a -- 15 years, I was a hunter safety instructor, president of a riding gun club, and I have been using range facilities -- I'm seventy-seven, so let's say I started about 30 years old. And it all has been in Suffolk County, because where I lived Brooklyn, there was no facilities, so I used to drive and use the facilities. My concern is the quality of life, and I think that when I moved to Long Island in '73, that's what I was looking for. I educated my children, they're both professionals. One is a lawyer and the other is a psychologist, all in Suffolk County. And I'm proud to be a resident of Suffolk County. It bugs me very much that we are closing down and discontinuing qualities of life programs; we had horseback riding and golf and ranges. And thank you for letting me appear today to speak to you about this. Thank you.

APPLAUSE

P.O. POSTAL:

Thank you. It's now 12:30. I'm sorry. It's now 12:30. We're going to break for a two hour recess. At 2:30, we will return for the public hearings. At the conclusion of the public hearings, anyone who had either filled out a card this morning or -- and didn't get a chance to speak, or anyone who has come to the meeting and would like to speak will have the opportunity, so.

LEG. FOLEY:

It may only be a couple of cards.

P.O. POSTAL:

No, I don't think so, because there are three, four, five, six, seven. So we also have a meeting, one of our committee is meeting now, Vets and Seniors. So I'm going to recess the meeting until 2:30 and Veterans and Seniors Committee will be meeting. And then you'll recall that we're all invited to join the Correction Officers for lunch.

(THE MEETING WAS CALLED BACK TO ORDER AT 2:30 P.M.)

{ SUBSTITUTION OF STENOGRAPHER - DONNA CATALANO }

P.O. POSTAL:

Okay. Madam Clerk, are the affidavits of publication in proper order?

MS. SULLIVAN:

Madam Clerk, the affidavits of publication have been filed and are in proper order.

P.O. POSTAL:

Thank you. The first public hearing today is regarding the 2004 -- **Public Hearing regarding 2004-2006 Capital Budget and Program.** I have -- can we have a little order? I have no cards on this public hearing. Is there anybody who would like to address the Legislature on this matter? Hearing no one, I think we have a second hearing scheduled in Hauppauge, do we, Ilona? We did. Motion to close by Legislator Guldi, seconded by Legislator Bishop. All in favor? The public hearing on the Capital Budget is closed.

Public Hearing regarding Introductory Resolution Number 1021, a Charter Law to restore and ensure honesty and integrity to Suffolk County land transactions. I have no cards on this public hearing. Is there anybody who would like to address the Legislature on this matter? Hearing no one, I have a motion to close by Legislator Bishop, seconded by Legislator Carpenter. All in favor? Opposed? Public hearing regarding Introductory Resolution 1021 is closed.

Public Hearing regarding Introductory Resolution Number 1210, a local law to amend the Living Wage Law for transition to full implementation. I have no cards on this public hearing. Is there any one who would like to address the Legislature on this matter? Hearing no one, motion to close by Legislator Bishop, seconded by Legislator Tonna. All in favor?

Public Hearing regarding Introductory Resolution 1346 -- actually, I'm sorry, regarding 1210 is closed. **Public hearing regarding Introductory Resolution 1293, approval of extension of license for North Ferry Incorporated.**

LEG. CARACCILOLO:

Motion to recess.

P.O. POSTAL:

Motion to -- well, I have no cards. Is there anyone who would like to address the Legislature on this matter? Motion to recess by Legislator Caracciolo, seconded by Legislator Guldi. Public hearing regarding 1210 is recessed -- 1293, oh, sorry. Public hearing regarding 1293 is closed -- is recessed.

Public Hearing regarding Introductory Resolution Number 1304, a Charter Law amending the Suffolk County Charter with respect to the reapportionment of Suffolk County Legislative Districts, plan four. I have no cards. Is there anyone who would like to address the Legislature on this matter? Hearing no one, motion by Legislator Carpenter to?

LEG. CARPENTER:

Close.

P.O. POSTAL:

Close, seconded by Legislator Guldi. All in favor? Public Hearing regarding Introductory Resolution 1304 is closed.

Public Hearing regarding Introductory Resolution Number 1346, a local law establishing dog and cat run policy for County parks. I have two cards. First speaker on this hearing -- on hearings, you have five minutes to speak and Legislators may question you. First speaker is Barbara Buscareno.

MS. BUSCARENO:

Yes. My name is Barbara Buscarino, and I'm speaking about I think Introductory Resolution 2234. We are representing the Huntington Dog Owners Group, and we feel that this -- this resolution clearly discriminates against dog owners as there is no one other park user group that has to incur these significant costs to enjoy their hobby or interest. Horse owners pay merely a

\$25 annual fee to ride in Suffolk County parkland, and they don't have to incorporate them in an RFP, get insurance, provide monitoring for all the hours the facility is open. So we just are looking for parody at least with that situation.

When I discussed this with Legislator Binder as to why he was coming up with this resolution, his only comment with this -- that this was a new program, so he wanted to, you know, start from here forward to have some sort of a user group or hobby or interest to have to provide this kind of coverage for the County. We feel that providing dog owners -- you know, certainly as we've said with previous legislation that providing dog owners with access to the County parkland is good public policy. And we feel that Legislator Binder has a choice that he can either recognize this as a community need and look for the best ways to address this need, or he can sponsor this bill, which we feel makes a mockery of both the need and the possible solutions. New York City currently has 40 off-leash exercise areas, Nassau County, with 5100 acres of parkland, has four off-leash areas, Suffolk County, with 45 to 50,000 acres of parkland, has zero off-leash areas that are legally established. Suffolk County's 650,000 dog owners are a disenfranchised group that has no other options but to fight for their part of the parks. This has worked in many other municipalities around the country. There currently are three all-breed dog shows on Long Island this fall, and this year, they must all be held in Nassau County as the private property, Flowerfield, is beginning plans for development and there no County parks that allow these dog shows. So working to make Long Island a better place should be the direction of this Legislative body, not drawing up road blocks for greatly needed improvements. Thank you.

P.O. POSTAL:

Thank you. Next speaker is I. Michael Kahn.

MR. KAHN:

The I was on the card already. Is it possibly to defer my remarks until the bill's sponsor is in the room?

MS. LOMORIELLO:

Okay. Let me get him.

MR. KAHN:

Allan Binder.

LEG. FIELDS:

He's not here.

P.O. POSTAL:

Why don't you -- you know, we will eventually vote on this bill, so I think it's just as important for us to hear what you have to say as for the sponsor, and then in the minutes he can read your remarks. So why don't you go ahead.

MR. KAHN:

My remarks certainly are to all of you who are here today. This is an important, important issue to me, and I traveled three hours here today from my -- my job to be here. So I really feel compelled to speak to the Legislature.

P.O. POSTAL:

Please speak into the mike.

MR. KAHN:

Sure. About -- I really feel compelled to speak to the Legislature about Legislator Binder's bill specifying new requirements for dog parks in the County. Upon reading the bill, my first reaction was that this is not a bill which should be tossed aside lightly. This is a bill that I believe should be thrown away with great force by this body. This bill would be terribly damaging to so many of your constituents. Unlike like so much of this Legislature's great work, which is designed to improve the quality of our lives and to create value, this bill would simply serve to exclude, diminish, discriminate and take things away.

What is most troubling about this bill is the truly underhanded manner in which it seeks to effectively turn dogs and their owners away from County parks by imposing requirements which cannot possibly be met. It would have the same impact as the bill which just outright bans dogs runs from County parkland. However, that wouldn't look so good on the campaign literature. This bill requires user groups and transfers to them the obligations of government. There are no such things as user groups made up among the 650,000 dog owners who live in Suffolk County any more than there are user groups representing the children who play in the parks, the bicycle riders, the picnickers or people just out for a stroll. Like all other residents, we just happen to

enjoy taking our dogs and our family members to enjoy a nice outing in the park.

To require groups to form as a legal entity among citizens who just show up in a common place to respond to our pleas and buy insurance is simply unrealistic and unfair. Why not make parents of children using the park buy insurance through user groups or bicyclists, strollers and all other park users? Of course, dog owners clean up after their dogs and would self-police against aggressive behavior. That doesn't require a legal entity to be formed to do that. Come to Coindre Hall, for example, where I've been going for 25 years, you will see a clean park, because people who go there are responsible. Don't place a legitimate role of government such as insurance on the backs of dog owners unless you are prepared to do the same to all citizens using County parks. Are you prepared to ask strollers in parks to mow the grass or bicyclists to pave the bike path? That would be to equivalent to what's being asked of dog owners. And restricting dog runs to exist more than a quarter mile from any water within the park would deny us access to the very parks we've been enjoying for decades, such as Coindre Hall. We live on an island surrounded by water. Why was it okay to install eight septic tanks at Coindre Hall last year less than 200 yards from Huntington Harbor?

This legislation is so blatantly discriminatory -- discriminatory, burdensome and onerous, yet it attempts to appear inclusive by inserting cat runs into the language. Cat runs. There are no such things as cat runs. Do an internet search yourself. And even a basic understanding of cats and dogs would make one aware of the fundamental differences in their behavior. Bring a dog to a dog run with 10, 20, 50 strange dogs in it and within 30 seconds that dog will be playing chase and will have a new best friend. Put a cat in the same situation and that cat will be hiding under your bed for a week. Legislation to establish cat runs would make the Suffolk Legislature, a highly esteemed body right now, the source of ridicule. Who among you wants that distinction on your voting record?

All that this ill intentioned bill and other efforts that curtail the access of Suffolk dog owners to County parks is accomplishing is to awaken a sleeping giant. We are 650,000 strong with many more sympathetic households. You've angered those of us who are finding our enjoyment of the parks we're been going to for decades threatened and ignored by far too many. We will not be ignored and we will not be marginalized. I'm asking this body to act fairly, rationally and in a manner that upholds the normally high standards applied to your Legislative action. Recognize this bill for what it is, cynical, underhanded and discriminatory. This type of legislation may unfortunately be the Nora Washington, --

P.O. POSTAL:

Thank you.

MR. KAHN:

One last sentence. But don't let this body which has accomplished so much to be proud of be dragged into something so wrong-minded. This is bad government, we deserve better.

P.O. POSTAL:

Thank you. I have no more cards on this public hearing. Is there anyone who would like to address the Legislature on this matter?

AUDIENCE MEMBER:

It wasn't on this matter that I came here, it was for --

P.O. POSTAL:

No, I'm sorry. You can only speak on this resolution. If you would like to speak on a different matter, if it's a resolution that has public hearing scheduled, you can speak when that public hearing is called. If it's on a matter that's not the public hearing, we're going to be going back to something called the public portion of the meeting where you can speak on anything. We'll get to that very shortly.

AUDIENCE MEMBER:

Okay. Thank you.

P.O. POSTAL:

Thank you. Okay. I have no more cards on this public hearing. Is there anyone else who would like to address the Legislature on this matter? Hearing no one --

LEG. ALDEN:

Motion to close.

LEG. FIELDS:

Second the motion.

P.O. POSTAL:

Motion by Legislator Alden, seconded by Legislator Fields. All in favor? Public hearing -- the Public Hearing regarding Introductory Resolution 1346 is closed.

Public Hearing regarding Introductory Resolution 1347, a local law updating regulations to precious metal exchanges in dealers in secondhand articles. I have no cards. Is there anyone who would like to address the Legislature on this matter? Is that a hand? Did I see -- no. Okay.

LEG. GULDI:

Can Counsel give us an explanation on this? I'd like to know what the bill says.

LEG. CARPENTER:

I won't speak to the intricacies of it, but generally the bill tightens up the regulations for reporting requirements for the second -- for the dealers, also the time that they have to hold some of the articles for the police. And we've had series of meetings with the Police Department and representatives of the industry working out some of their concerns, and we're there. So that's basically it.

LEG. GULDI:

The one are of concern that I have, and the reason I want to specifically address the bill, if I may, the -- with the East End jurisdictions, it coincidentally seems to turn out that the questionable property stolen on the East End in the -- in the East Hampton and Southampton police jurisdictions ends up in used -- frequently has been known to end up in used -- as used merchandise for sale in Brookhaven. And I know of one incident where an individual who had some custom jewelry stolen in a burglary found it for sale at a -- at a display in Brookhaven. When he called Suffolk County to say he's located his stolen property, they said they couldn't do anything because it was stolen in Southampton. When he called Southampton, they said they couldn't do anything because it was located in Brookhaven. And I'd like to see that problem addressed in a systematic way. And if we're looking at a systematic reform, I'd like to speak to you about some way to address that.

LEG. CARPENTER:

Definitely. But I mean, we're really talking about the specifics of the bill, and we certainly can do that. But for now I'm going to make a motion to close the hearing.

LEG. GULDI:

I'll second your motion.

LEG. CARPENTER:

And I'd be happy to make any of those changes and pass them on to the department.

LEG. GULDI:

Great. Thanks.

P.O. POSTAL:

All in favor? Opposed? Public hearing regarding Introductory Resolution Number 1347 is closed.

Public Hearing regarding Introductory Resolution Number 1354, a Charter Law amending the Suffolk Chart with respect to the reapportionment of Suffolk County Legislative Districts. This plan is known as plan five. There are no cards. Anybody who would like to address the Legislature on this matter? Hearing no one, Legislator Fisher?

LEG. VILORIA-FISHER:

Motion to close.

P.O. POSTAL:

Motion to close, seconded by Legislator Binder. All in favor? 1354 is closed. I have motion from Legislator Foley, second by Legislator Nowick -- Fields setting the date of June 10th, 2003 at 2:30 p.m. in the William H. Rogers Legislature Building, Hauppauge for public hearings on Introductory Resolution Number 1411, 1422, 1423, 1424, and 1462. All in favor? Opposed? Public hearings are set.

Now, we have a number of cards signed by people who didn't get the opportunity to speak during the public portion this morning, but before we turn to them, just a couple of points of information. During the morning the statement was made that it's not proper to display a flag that has fringes on it. Well, the gold trim is generally used on ceremonial indoor flags that are used for special services and is believed to have been first used in a military setting. It has no special significance, nor has this person ever run across any. And the gold trim use is in

compliance with applicable flag laws and codes. And this is from the book, "Our Flag," published in 1989 by the House of Representatives. So it certainly is proper for a flag to have that gold fringe that we find on our flag, so for your information. Secondly, again, I found something that I really thought was worth noting and worth commenting on and worth commendation. In the restrooms, there's a little pack of -- in the women's restrooms, well, that could be regarded as discriminatory I guess. I'm sure Marty Haley -- if Marty Haley were here at this moment he would point out --

LEG. LINDSAY:

He's in the ladies' room.

LEG. ALDEN:

Motion to strike that comment.

LEG. GULDI:

Fails for lack of second.

P.O. POSTAL:

I will point this out when Legislator Haley is in the auditorium, because he might wish to do something about this. In the ladies' rooms, there are small packs of printed information to assist people who have been victims of verbal abuse, sexual assault or threats, any domestic violence at all. And the information that is provided is the names of agencies to assist victims in dealing with these problems and their telephone numbers and also noting those which have Spanish speaking employees or volunteers and also noting that these services are available through the Suffolk County Women's Services and the Stop Violence Against Women Committee. And I think that this is really a very helpful and positive thing. So I just point this out, and I think that it would be very helpful if the media reported that this information is available in the ladies' rooms of the County Center so that any woman who is a victim -- Marty is here. Legislator Haley.

LEG. HALEY:

Yes.

P.O. POSTAL:

At any rate, that this information could be widely disseminated so that victims who very often

have to be very careful to disguise any attempts they seek to get help can find this information in the ladies' rooms of the County Center. Now, Legislator Haley.

LEG. HALEY:

Yes, ma'am.

P.O. POSTAL:

I find this information to assist victims of domestic violence in the ladies' rooms in this building. However, we have not checked the men's rooms. So knowing how --

LEG. HALEY:

I'm sorry, but I haven't been to one of these men's rooms today.

LEG. ALDEN:

Legislator Postal.

P.O. POSTAL:

Yes.

LEG. ALDEN:

The information on the walls of the men's room should be totally disregarded.

LEG. HALEY:

Obviously, domestic violence is not a single gender problem.

P.O. POSTAL:

Absolutely, and that's my point that -- you know, if you would be so kind to just quickly survey the men's room. This little piece of information is in the --

LEG. HALEY:

Did I do something wrong that I got the bathroom duty today?

P.O. POSTAL:

No. It's to your credit. I think it's to your credit that you have been aware as many people are not aware that domestic violence can be a crime perpetrated against men, and that very often, a

man who is a victim of domestic violence is, in fact, either less likely to seek assistance, because it's not common and he's embarrassed. So I think that it would be very helpful for this information to appear in both our public men's rooms as well as our ladies' rooms. And if you would check out the men's room for me. I'll make sure that I have my staff --

LEG. HALEY:

Okay. All right. I'll take care of that. Loretta.

P.O. POSTAL:

Thank you. I trust you.

D.P.O. CARACAPPA:

Before we go on, I'd like to make a motion to discharge Resolution 1305, and 1092 out of the Public Works Committee. As my colleagues may or may not know, we did not meet this week, and these two are asked to be given priority. I had distributed this morning, they are before you. So at this point in time, I just ask for a motion to discharge --

LEG. GULDI:

Second the motion.

D.P.O. CARACAPPA:

-- them so we can recognize them tonight.

P.O. POSTAL:

The motion has been made to discharge Introductory Resolutions 1305 and 1092, which has been and are before you. I'll second that motion. All in favor? Opposed? Now, these will age for an hour.

D.P.O. CARACAPPA:

I would just recommend we take them up when we do the Public Works portion of the agenda.

P.O. POSTAL:

Certainly. Thank you. We have a number of cards left filled out by people who are were for the public portion and we didn't get the opportunity to give these people a chance to speak, so we'll

continue with our public portion. Our next speaker is Sharon Gillen, and I remind you that you have three minutes to speak and this portion is only for the public to speak.

MS. GILLEN:

Good afternoon, ladies and gentlemen. My name is Sharon Gillen, and I am a homeowner in Lindenhurst. I'm here today to ask for the creation of a domestic partnership registry. There were many of my friends and family that were unable to take off work, so I think it's important to note that a voice of few represents the needs of the many. There is some irony to me that we are a nation at war to destroy weapons of mass destruction and free a nation of people who have lived in a reign of tyranny and that we are going to provide them with freedom, democracy and human rights.

The irony, however, is that some of the very soldiers willing to risk their lives for this country live under a "don't ask, don't tell" policy. And that I am standing before you to ask for my own human rights. Frankly, I think that is a disgrace. I cannot help but express my anger and frustration that I have to be standing before you to ask for the creation of this domestic partnership registry because my sexuality could hardly define me as a person any more than your's defines you. I am asking that you create this registry in an effort to gain some modicum toward equality. I am truly a whole person, and I am not looking to this Legislature for approval of my sexuality because I am perfectly comfortable in my own skin. However, I am in a committed relationship for over ten years, and this registry would help me to obtain concern benefits through my job and my insurance company.

It is my understanding that we would have to pay a fee in order to apply for the registry, thus creating a revenue for the County. Yet the certificate that I will be receiving will not extend to me the privilege of marriage, nor the benefits of deductions that a marriage can bring. I would like to make it clear that I wholly support our troops as I have friends and a family member over there on the front lines. My point is more that we in our own country and particularly right now in this County need to rise to the occasion and move forward one step at that time toward human equal rights, not special rights. So in closing, I thank you for your time and ask that the registry be allowed to move forward and be implemented. Thank you.

P.O. POSTAL:

Thank you. Next speaker is Dr. Carolyn Peabody.

AUDIENCE MEMBER:

Ms. Peabody had to leave.

P.O. POSTAL:

Thank you. I was looking forward to seeing her, I'm sorry. Next speaker is Raymond Cloud. Is Raymond Cloud here? Next speaker Janette Zucker. Next speaker, Nelson Klein.

MR. KLEIN:

Hello, my name is Nelson Klein. I live in Manorville, and I'm here
To --

P.O. POSTAL:

Just speak into the mike.

MR. KLEIN:

I'm here to express my support for Introductory Resolution 1301, the exemption of the shooting range from the Suffolk County noise ordinances. Okay. That's about it. I just want to put my two cents in. I'm for this exemption.

P.O. POSTAL:

Thank you very much.

MR. KLEIN:

Thank you.

P.O. POSTAL:

Next speaker is Ginny Mungerkahn.

MS. MUNGERKAHN:

My friend, Ellen Rassiger, who is a professional dog trainer, was supposed to speak earlier this morning, but she had to get back to work and so she talked to me about what she had wanted to say. And I just wanted to very just briefly convey to you what I think her remarks -- her important remarks are, and that is that -- and I'm speaking in favor of the -- of Jon Cooper's bill to create dog runs at Coindre Hall and West Hills. The issue is not about liking dogs or not. It's about what kind of dogs you want in your community. And ads in Newsday are filled with people

who have given up their dogs. You know, pictures dozens of pictures of dogs with little descriptions under them saying, energetic, playful, needs a yard. And the point that Ellen makes to me is that most families simply are not aware of how much exercise dogs need, and so most dogs are given up to local government shelters. Most dogs who are given up to local shelters are given up for chewing, barking, mouthing, behavior, which are all signs of lack of exercise. Dogs need places to run to get appropriate exercise. Dogs who go to dogs park are better socialized, and they are better members of our community. And that's the type of activity we should be encouraging, and that's what Jon Cooper's bill will do for us in Huntington. Thank you very much.

P.O. POSTAL:

Thank you. Gerald Rosenberg. Gerald Rosenberg? Robert DeLuca.

{ RETURN OF STENOGRAPHER - LUCIA BRAATEN }

MR. DELUCA:

Good afternoon, Presiding Officer Postal and Honorable Members of the Legislature. My name is Bob DeLuca, and I serve as President of Group for the South Fork. As many of you know, the group represents the conservation and planning interests of some 3,000 individual households and businesses across the South Fork and Shelter Island.

For many years we've promoted land acquisition and governmental land protection partnerships as a key part of the strategy to protect our fragile East End environment. And for many years, Suffolk County has been a leader in land protection that has eased the financial burden for land acquisition for municipalities across the County.

Today I want to thank you for the efforts that you've made to increase the transparency that exists within the County acquisition program. And most importantly to ask for your support on Resolution 1279, the resolution that will authorize a preservation partnership between Suffolk County and the Town of East Hampton to protect the unique Duke property, which represents the largest undeveloped parcel remaining on Three Mile Harbor in East Hampton. As the testimony provided by the County's Department of Real Estate points out, this parcel's unique natural features have earned it one of the highest rankings ever established for a preservation -- for an acquisition recommendation. Likewise, the Town of East Hampton has made a commitment to pay more than half of the total cost of the parcel that will then become available

to residents across Suffolk County, many whom frequent eastern Long Island to enjoy our rural landscape and that many of us have really worked to preserve over the years for everyone.

Finally, I wish to point out this acquisition will substantially further the primary economic and environmental goals of the Peconic Estuary Program that's been a target of a multi million dollar County investment for 15 years. In closing, I think Suffolk County can find few better parcels in which to invest its land protection dollars than the Duke property and restart its vital acquisition program, a program that's made Suffolk County a national leader in environmental protection. Thanks for your time and again I urge you to please vote yes on today's resolution.

P.O. POSTAL:

Thank you very much. I have no other cards. Is there anyone else who would like to address the Legislature? Yes. Just stand up and identify yourself, give us your name.

MR. CLOUD:

Hello, how are you doing ma'am? My name is Raymond Cloud. I'm currently the owner of Public Service Catalog, 149123190.1. I'm here to speak on 1401, about distributing to the colleges about the computer system. I feel that what should happen is that you see Suffolk County is lacking in productivity, and I feel that with my special skills I can bring -- create jobs, distribute the computer service and modems that are needed in this County. And if there's -- I see with -- my services can really help this County a lot, not only Suffolk, but Nassau as well. And with that, we can provide learning sensors for the youth, for blacks, Latinos, whites and young kids like that. Also, for this center as well would really specify learning sensor for minorities and youth and young people. Thank you.

LEG. FOLEY:

Thank you.

LEG. HALEY:

Thank you.

LEG. CARACAPPA:

Thank you.

APPLAUSE

P.O. POSTAL:

Thank you. I'm going to -- are there -- is there anyone else who would like to address the Legislature during this public portion? Hearing no one, I am going to make a motion to reconsider a bill that we approved at the last meeting of the Legislature.

LEG. FOLEY:

Do we have copies of it.

LEG. BISHOP:

Get everybody back.

LEG. FOLEY:

Get everyone back to the horseshoe.

P.O. POSTAL:

Get everyone back in here.

P.O. POSTAL:

Can we have all Legislators in the auditorium. First I'm going to make a motion on the resolution that we approved at the last meeting, so I have to just wait until we have enough people here and it's being distributed. Okay. I'm going to make a motion to reconsider **Introductory Resolution Number 1116**, which was resolution that was approved, I believe, at the last meeting of the Legislature. It amended the 2003 Operating Budget transferring funds to HUGS, Cornell Cooperative Extension Association, Suffolk Y Jewish Community Center, and Cedar Beach youth project, Summer Nights Program. I'm going to ask our Clerk, Henry Barton to explain why this resolution needs to be reconsidered.

LEG. TONNA:

On the motion. Can you just -- when you're putting a list together to speak on it, can you recognize me. Can I speak on the motion?

P.O. POSTAL:

Sure. And I need a second.

LEG. GULDI:

Second.

LEG. CARACCIOLO:

Second.

P.O. POSTAL:

Seconded by Legislator Guldi. Henry would you please explain why this needs to be reconsidered.

MR. BARTON:

Okay.

LEG. GULDI:

Say how you screwed up.

MR. BARTON:

This is how I screwed it up. No, quite honestly, we don't know exactly what happened. After the last meeting, my staff printed out the resolutions as we always do and attached the vote slips to the original resolutions.

P.O. POSTAL:

Can you use the microphone.

MR. BARTON:

Yes.

P.O. POSTAL:

That's much better.

MR. BARTON:

Thank you. We attached the original vote slips to the resolutions after printing them out. Either in the process of transferring over from Budget Review the original document or in the process of preparing it by removing the intro number off the top, a line was omitted. The County

Executive -- the County Executive's Office made me aware of that a week later, which was well beyond the period of time that I could send it over to the County Executive. So that's why it's before you now.

P.O. POSTAL:

Okay. So that if I could just restate. The resolution we passed at the last meeting was not the resolution that was sent to the County Executive for his approval or disapproval. Something was missing from it. And if I understand correctly, I believe that a resolution which is in error, which is not the resolution that was approved, can be. I guess. Corrected within -- if the error is discovered within 48 hours, but obviously this error was not discovered within 48 hours, and so it is for that reason that we are -- that I am making a motion, I don't know if I had a second, I'll accept the second by Legislator Caracciolo, to reconsider this resolution, so that the correct resolution approved by this Legislature at the last meeting can be the one that is transmitted to the County executive, because this is not the resolution that we approved. Legislator Guldi?

LEG. GULDI:

Yeah, I'd like to make -- just a point of either order or parliamentary inquiry. Counsel, given that the County Executive signed the erroneous resolution, is the motion to reconsider a proper legislative mechanism?

MR. BARTON:

The County Executive has taken no action.

LEG. GULDI:

All right. It has not been signed.

P.O. POSTAL:

No.

LEG. GULDI:

I stand corrected. Notwithstanding that, is the motion to reconsider in order at the present time, given the status of the bill?

MR. SABATINO:

The motion to reconsider is in order because the 15 days that the County Executive is afforded

to make a decision to either sign or disapprove a bill would not expire until May 15th. So today being the 13th, you're still within that window of opportunity.

P.O. POSTAL:

Legislator Tonna.

LEG. TONNA:

Yes. I just -- it gives me an opportunity to ask a few questions, and I just wanted to start with Budget Review again, if -- is Budget Review here? Just to get an idea, the offset on this is the pension money that we owe the state, right? It comes from the --

MR. REINHEIMER:

That's correct. The original resolution that your reconsidering and \$671,000 from the retirement system.

LEG. TONNA:

Right. And just to get an idea of right now, what do we see the status of funds in that account? Do we have a surplus, do we -- I mean, I understand that we budgeted for 50 something, the state is estimating that we might have in lieu of maybe -- by August we'll find out -- it might be \$100 million that we're going to owe the state for --

MR. REINHEIMER:

Right. There are several plans to smooth the increase of retirement cost for this year. We haven't been noticed of exactly what is going to be adopted by the New York State Legislature and if survives any by the Governor, so with certainty we can't say exactly what our retirement costs are going to be for 2003. However, it appears that there is an indication that the posted rates from last August should be the rates that the bill should come in that's due in December. However, we can't say for sure that that's going to be exactly what the state does. If the posted rates from August are, in fact, the rates that come to be, based on our projections, there's about approximately \$500,000 surplus in the retirement system. However, that's a rough number and we can't say for certainty, but there may be.

LEG. TONNA:

The -- I understand it, and I have a memo here with regard to the programs, these are not

going to be programs for member paying people who are members of the Y? Now, I'm a member of the JCC in Plainview, I've been for years, actually my membership has elapsed, but I know there's a reciprocity agreement years ago with the JCC in Suffolk and then that -- that reciprocity stopped. But this is not -- none of these programs of the \$500,000, or how much of this is going to be allocated for people already existing and due member payers of the JCC or is this complete outreach brand new programs for outreach? You know, I'd like to get an idea.

P.O. POSTAL:

These -- if I could, I'll respond.

LEG. TONNA:

Yes. As the sponsor of the bill.

P.O. POSTAL:

These programs are largely for people who are not members of the JCC, because as you may know, membership in the JCC is expensive. And a lot of these programs are specifically tailored for people who don't have the financial resources that they might need to secure these services. For example, the Emergency Assistance for Families in Need, now, obviously, that's a program that provides emergency financial assistance for families in crisis, enabling them to access day-care services, and it also includes families with life threatening illnesses and financial challenges resulting from divorce, employment reduction, or the loss of a spouse. So that's one program.

The services for the frail elderly, this provides a wide range of programs including transportation and social health services to answer everyday needs and challenges for this population. This is generally a less than affluent population, because there are many people in our older population who are provided with services through their insurance, and services through their families. And these are services for those people who can't have those needs met through either insurance or the largess of their families. The other -- next, Unity in the Community is a program that promotes cultural understanding for people of all faiths and all ethnic background. As you might imagine, this is open to people, children from YMCAs, Islam centers. I can tell you that the United North Amityville Youth organization, which is a youth organization in the community of North Amityville, which is not an affluent community, makes use of this program, so that -- there are also programs for child care and respite services for children --

LEG. TONNA:

And these are all for people who have nothing to do with the membership at the JCC.

P.O. POSTAL:

Not in every case.

LEG. TONNA:

I mean, the Long Island Children's Discovery Museum.

P.O. POSTAL:

Not in every case.

LEG. TONNA:

After school services.

P.O. POSTAL:

What I'm saying is there are many of these programs which are clearly aimed at families which do not have the resources to provide either these services or join the Y. Well, if you'll let me continue, I'll try and answer your question.

LEG. TONNA:

Sure.

P.O. POSTAL:

The Special Needs Center is one of those programs, the Transitional Family Center is one of those programs. On the other hand, the New Mothers Support Network, I can't say that that doesn't include people who either are members of the Y or could be members of the Y, so that it's really a mixture. The Long Island Children's Jewish Discovery Museum might well include children who either are members or are members of families which could afford membership.

The After School Center is primarily a day-care program for children who's parents are working parents, and again, there might be parents who otherwise would not be able to participate in these programs, because there are children there who would not be able to take advantage of this program if this program was not available to them because of the economic ability of their family to pay, or their parents would not be able to continue working. So some of these programs are only available to people in need, who could not afford to become members of the

Y. Other programs are a mixture. There are people who can afford to be members, there are people who are members, and then there are people who could not afford membership in the Y, so it's a whole range of programs. And in some cases I think that's very healthy. You know, it creates a situation where, for example, children participating in a program are not all children coming from a background of poverty.

LEG. TONNA:

Well, this is my concern. This is probably one of the largest adds I've ever seen in the history of at least the ten years that I've been here at a time when, and being on the Social Services and now the Human Services Committee for quite sometime, to listen and I think you, Legislator -- Presiding Officer Postal said -- and criticized Bob Gaffney for being gutless a couple of months ago, because the fact that he would not -- there's huge cuts in social service agencies. I talked to a number of social service agencies about their reductions in programs, existing programs now, programs that we've had commitments to, programs that we already said as a Legislature to fund in the 2003 budget. And what we're doing is on one hand, these organizations are not going to get the money that we have already existing programs and have made commitments to. And on the other hand, we're going to take 600 and something thousand dollars, five hundred to start all new programs, completely new programs, use an offset that we know is at the best, you know, not questionable as far as -- as far as aggregate dollars that are in the program, how much do we have or in need.

I mean, it just -- I hear there's another story, too. You know, I know that the contractor Jack Kulka has been calling around and asking people to support this. And I don't think there's a problem that people would support it. I mean, I've had people come to me and say what are you making a hill of beans about this, he didn't even want that much money when he originally requested it and what about this and what about that. I mean, all I can say is we could have addressed all of these things in the budget process. Why if all of these programs are priorities, for us to blow through the budget by half a million dollars, why weren't we addressing this in the budget process when there is -- you know, we have all of the things in front of us and we're looking at every single thing and we're making our priorities?

Social Services we've had in front of the Human Services Committee now for three committees that human -- the Social Services Department doesn't have enough staff to process the voucher for nursing home. The District Attorney talks about needing, you know, ADAs and support staff. I mean, we go down step by step by step for our own departments who are saying that they're

totally underfunded, that they need certain things to do their own services, and we're in the midst of basically creating all new programs. And, you know, there are programs that deal with the Emergency Assistance for Family in Need, we have them now, and they're being underfunded. We have, you know, services to frail elderly, everybody wants to support that. But we have those programs now run by not-for-profit organization who have been doing it for years, and we're not funding them to the full extent. They're not getting their money.

It seems very frustrating to me to say, outside of the budget process with the largest single add that I can remember, you know, in the middle of the year -- the whole idea was -- you know, the Davis Law was there to create -- to be able to send a message to -- for fiscal responsibility, not to add programs in a time. We're going to have \$100 million deficit next year. The last thing I want to say and I just want to ask Legal Counsel this just to get a ruling from the standpoint. Now, I'm a member of the JCC, I think I was, I paid my building fund and everything else to the one in Plainview, I had to pay all of that stuff, I know that when the reciprocity ended at the JCC in -- the one in Commack, that I was offered a complimentary membership, which I didn't take. You know, I paid my whatever it was so that I could swim there and stuff like that. I mean, if your a member of the JCC in Commack or if your -- have complimentary membership, does that in any way preclude you to vote for this? You know, what is the ramifications of that?

MR. SABATINO:

Being a membership -- being a member per se would not prohibit you from voting as long as you would disclose that you're a member. If there's some kind of an arrangement whereby you're getting a complimentary or --

LEG. TONNA:

You get it free.

MR. SABATINO:

Or free.

LEG. TONNA:

The thing was you get a free -- you're a member, you become a member for the year, you get a card, you get your picture taken and stuff like that, and you don't have to pay.

MR. SABATINO:

Okay. There would be two lines of analysis. The first line of analysis would be whether or not it has a value of greater than \$75. So if the value of the complimentary or free membership had a value in excess of \$75, then you would be precluded under the ethics law from voting. If it was less than \$75, you have to weigh it and disclose it, and you might opt to recuse yourselves, you know, depending on the nature of the circumstances. But clearly above \$75 would be prohibited under the Ethics Law.

LEG. TONNA:

Thank you very much.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

I have a question of Budget Review.

LEG. VILORIA-FISHER:

Madam Chair, please put me on the list.

P.O. POSTAL:

I'm sorry.

LEG. ALDEN:

From either last year or this year, has any other money gone from member items or part of the budget process to the JCC?

MR. RENIHEIMER:

A review of last year's operating budget, there was no pseudocode specifically for that organization. Whether they received money on a 4980 line, which doesn't specifically identify the agency, that I don't have information on. But this resolution specifically has a pseudocode for the organization. So they didn't receive money last year under the pseudocode because the pseudocode didn't exist last year.

LEG. ALDEN:

Do we know what the JCC total budget is?

MR. REINHEIMER:

We don't. Budget Review doesn't know.

LEG. ALDEN:

I think that would be interesting to find out what percentage of their budget, if this was passed, this would end up entailing. Also, how much of this money is earmarked for overhead? Are there any restrictions -- if we give them the money, are there any restrictions? Could they use 70, 80, 90% of it for overhead? You know, what are the restrictions on this money?

MR. REINHEIMER:

The resolution specifically provides \$500,000 for the Suffolk Y Jewish Community Center. The resolution does not go into detail specifically what that money is for.

LEG. ALDEN:

Thank you.

P.O. POSTAL:

Legislator Fisher.

LEG. VILORIA-FISHER:

Lance, can did I hear you correctly that in -- although, we have this sheet delineating these different programs, in the resolution, it doesn't earmark where the money is to be used, it's just money being given to the JCC, \$500,000?

MR. REINHEIMER:

That's correct. In most resolutions, for contract agencies, I don't think they provide the specific reason for it. These might be questions that are better answered by Counsel as to what they can or cannot do with the funds.

P.O. POSTAL:

Legislator Fisher, if I could interrupt. You should have in front have you --

LEG. VILORIA-FISHER:

I have it in front of me. And having it in front of me doesn't -- it certainly doesn't seem to me to be a compelling set of reasons to give this kind of money to an organization in the middle of the year, an organization which heretofore has not ever received County funding for its programs, and providing this kind of funding mid year, if it were to be prorated, would be equivalent to providing them with \$1 million, because we've already gone through half the year. So to give a \$1 million per year amount of funding to new programs when in the Human Services Committee, as Legislator Tonna has mentioned, we have seen Consortia come before us, who have been cut considerably, and programs that have been cut, which are eligible for reimbursement from the state. And Legislator Nowick, you have seen that also in Human Services that there have come a number of contract agencies before us who because they were cut 10% by the County, they also lost the additional funding that would have come from the state that would have been matching funds. So, Lance, were you trying to say something?

MR. REINHEIMER:

Yes. I just want to make a correction to my statement earlier. The 2002 adopted budget did included \$5000 for this agency. I was mistaken. I had said earlier --

LEG. VILORIA-FISHER:

5,000?

MR. REINHEIMER:

5,000.

LEG. VILORIA-FISHER:

That's quite an increase in support from 5,000 for the full year to a prorated amount of a million dollars for a year.

LEG. TONNA:

Right.

LEG. VILORIA-FISHER:

That's -- those are pretty good percentages if you can get them. I feel -- looking at After School Services, we have many, many youth services across the County that are providing these -- this type of after school services. There are many community youth services which provide programs very similar to the Unity in the Community. And I believe that those contract

agencies that have a proven track record, that have earmarked that they are working in areas where there is a great need and with populations that are in great need, I think before we spend \$500,000 on a new program, that we restore the proven programs that we've seen -- that have received our support in the past. I completely concur with everything that Legislator Tonna has said regarding this issue.

I also have to put on the record that we did address this late in our last session. It was embedded in a resolution that had two other or three other contract agencies involved, many of us who had in the past made a commitment to support, for example, the Cornell Cooperative Program looked at that as the first name that was in the resolution, and admittedly did not look carefully or closely enough at the full amount that was presented by this resolution and perhaps voted in haste, because it was late in the evening. And I for one am very concerned about this kind of money being spent mid year when we are in the middle of a fiscal crisis. I don't like seeing almost trickery in resolutions where a very popular and well-known contract agency's name is put first, which was only receiving, I believe, \$30,000, and the name of the agency that was receiving the lion's share of the money was placed last. I believe that we should be more transparent in our dealings and in the titles of our resolutions.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you, Madam Chair. Just a couple of quick questions for Budget Review. Lance, prior to '02, did this organization in the late '90s -- 1990s, early part of this decade receive any funding?

MR. REINHEIMER:

It's hard to track that, because pseudocodes have only been existence for I think maybe five years. In two -- so the individual contract agency may not have been identified in the budget. However, 2001 they received no funds under this pseudocode. So 2002, they received \$5000, 2003 the adopted budget includes \$5000.

LEG. CARACCILOLO:

Okay. With regard to the County's budgetary situation, for fiscal '03, the current year, what's our situation? Are we running in the red or in the black, where are we?

MR. REINHEIMER:

It's an interesting question. A lot of it is contingent upon what New York State's final budget is. Based on projections or what their going to do with the retirement fund and other funds, right now, we're looking at about a \$48 million deficit. If New York State reinstates the -- or repeals the exemption on clothing, depending on when that is done, that may come in with about \$43 million over and above what we have in our estimated 2003-2004 projections. So our best guess at this point in time, assuming that the state doesn't lower reimbursement rates and aid to the County, we're looking at about a \$48 million deficit right now.

LEG. CARACCILO:

In terms of that 48 million deficit, how much of that is created internally, meaning here at the County level and how much of that is created externally by unfunded state mandates?

LEG. VILORIA-FISHER:

Do a whole analysis. On your feet.

MR. REINHEIMER:

That's a big number.

LEG. CARACCILO:

If colleagues want to bring up the fact we have a deficit, let's clearly identify, A) what the source of that deficit is, and B) and I'm still waiting for a plan to emerge out of the Finance Committee, I bring it every other meeting, and nothing's come forward, but first, part A.

MR. REINHEIMER:

Okay. Medicaid costs could exceed somewhere in the neighborhood of 12 to \$24 million in the adopted 2003 budget.

LEG. CARACCILO:

Would that be -- under which category?

MR. REINHEIMER:

That's New York State.

LEG. CARACCIOLO:

That's unfunded state mandates. Okay, continue.

MR. REINHEIMER:

Retirement costs could be anywhere from no deficit to 100 -- to about a \$62 million deficit, that's New York State, also.

LEG. CARACCIOLO:

So when we hear the number \$100 million beginning next year, let's all remember, these are factors beyond our local control. These are state unfunded mandates, and when you pile them on top of all of the other state unfunded mandates, it runs into the hundreds of millions of dollars. And it's time that we as local elected officials let the residents of this County know why at all levels of governments, school districts and other political subdivisions, town and county governments, why we're in the situation we are yet to be in in terms of our own financial condition, it's because of unfunded state mandates. And that's a story -- I can remember when Pat Halpin was County Executive, and Brian you were a Legislative Aide to your dad at that time.

LEG. FOLEY:

Yep. Mandate madness it was called.

LEG. CARACCIOLO:

I'm looking around the horseshoe and only Allan Binder and I guess myself were here at that particular time -- oh, Maxine. I'm sorry, I don't see Steve Levy here, I don't see Steve Englebright, a lot of people who were here at that time, and I remember going to, with all of you in a bipartisan way, joining hands with then County Executive Pat Halpin and calling -- having demonstration and holding up placards talking about unfunded state mandates. I think it's high time we start doing that again. But that's not going to address the concern some of our colleagues have with respect to this resolution, and I respect their opinions, but I think at the end of the day, Madam Chair, you have gone above and beyond by providing the backup material. Now whether or not these people believe these particular services should be funded, I respect their opinion if they don't agree with yours and mine.

I just want to close by talking to Budget Review about the early retirement incentive, because a reference was made in passing to the fact that we have a number of County departments that

are now understaffed, overworked, and as a result, caseloads are going up. Well, I don't recall one department head coming here at the time of the early retirement incentive and saying, understand that we know it's a policy option and this Legislative body can say yea or nay, but understand if you say yea, it's going to have ramifications on how we deliver services in this County, not one. In fact, at a few of the public hearings that were held, I raised those specific questions. Now they're crying wolf?

I would remind everyone around the horseshoe, the next time an early retirement incentive program comes down, to raise those key questions, and let those department heads know that if they're going to support those propositions, that they're going to have to live with the consequences and not do what we've already done with the legislation that Legislator Fisher was forced to sponsor, to give a helping hand, and one that I understand Legislator Fields is proposing to give a helping hand, that's after the fact. Thank you, Madam Chair.

P.O. POSTAL:

Thank you. Roll call.

LEG. VILORIA-FISHER:

Madam Chair. Madam Chair, I'd like to be recognized.

P.O. POSTAL:

Okay. Legislator Fisher.

LEG. VILORIA-FISHER:

Legislator Caracciolo, I'm going to --

LEG. CARACCILOLO:

Maxine.

LEG. VILORIA-FISHER:

-- take any page from your book and say I think it's very important that we be consistent, and that's what I'm asking for here, that we be consistent. Whether it's state mandated programs, unfunded mandates that have put us -- put us in this fiscal straight jacket, or retirement incentives, whether or not it was done outside of our control or within our control, the fact is that this is where we are. And I believe that it is not fiscally prudent, and it's certainly not

consistent for some of us to vote to spend a discretionary 500,000 -- \$600,000 at this point of the year. I urge my colleagues, we've been given a second chance, it's not after midnight, you're not exhausted and you can look at this with a clear head, listen to what Budget Review has said regarding our fiscal health and budgetary issues, and I urge you to vote against this resolution.

It doesn't make sense to fund a new program at this point of the year. We can revisit this during the budget process when we are building the budget for next year. I am not judging the quality of these programs, I don't know enough about them. We have a work sheet here that was built up, it's a one and a half page work sheet, which really doesn't give details, it really doesn't say who the target population is, it doesn't tell us whether there's a sliding cost, whether people are members of the Y, whether they're paying members of the Y, it doesn't give us enough information. Let's look at this program when we are discussing the budget process and put it in a budget in a fiscally prudent and reasonable and logical way. Let's vote against this now, it's not the time.

MS. BURKHARDT:

Angie.

P.O. POSTAL:

Oh.

LEG. CARPENTER:

That's all right. That's all right.

P.O. POSTAL:

Angie.

LEG. GULDI:

Have we called the -- has the vote to reconsider been called yet?

P.O. POSTAL:

No. Roll call.

MR. BARTON:

Legislator Postal.

P.O. POSTAL:

This is just on the reconsideration based on the bill that we approved, which is not the bill sent to the County Executive.

LEG. CRECCA:

Just to reconsider, right?

P.O. POSTAL:

Reconsider.

ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE

LEG. POSTAL:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILOLO:

Yes.

MR. BARTON:

Legislator Towle.

LEG. BINDER:

Motion to postpone the vote until later, until 4:30.

LEG. ALDEN:

Take it now.

P.O. POSTAL:

Why don't -- let's --

LEG. BINDER:

Madam Chair, I make a motion.

P.O. POSTAL:

Is there a second?

LEG. TOWLE:

(Not present).

LEG. VILORIA-FISHER:

Is this the vote to reconsider or to postpone?

MR. BARTON:

Reconsider.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes to reconsider.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Pass.

LEG. TONNA:

Yes to reconsider.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

(Not present).

LEG. HALEY:

No.

LEG. CARPENTER:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

15.

P.O. POSTAL:

All right. The resolution is now before us. I will make a motion to approve, seconded by Legislator Caracciolo.

LEG. NOWICK:

On the motion.

P.O. POSTAL:

On the motion.

LEG. NOWICK:

You know, I listened to this the last time and it made a lot of sense, but as I sat in the Social Services Committee after this, and I know we talked about it, I realized that we didn't have the money to pay for nursing homes that were complaining that they did not get reimbursement on Medicaid. With that in mind, the nursing homes are now going to turnaround and sue the County, which is going to cost us a lot of money. So I am beginning to have second thoughts about spending money, and not that I don't think these organizations are not worth it, because they certainly you are, but I'm a little concerned now that we're being sued by organizations because we cannot fulfill that we need to fulfill now. So maybe we need to think about this for a while, because it is a lot of money. If we can't pay for our other obligations, we have problems.

P.O. POSTAL:

Henry, we have a motion and a second?

MR. BARTON:

Yes

P.O. POSTAL:

Roll call.

ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE

LEG. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not present).

LEG. VILORIA-FISHER:

No.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Pass.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

Yes.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Nope.

LEG. COOPER:

Pass.

LEG. CARACAPPA:

Yes.

LEG. LINDSAY:

No.

LEG. COOPER:

Abstain.

LEG. TOWLE:

(Not present).

LEG. CRECCA:

Motion to table until 6:00 p.m.

LEG. GULDI:

Second.

P.O. POSTAL:

Second. Okay. All in favor? Opposed?

LEG. ALDEN:

Opposed to tabling.

LEG. HALEY:

Opposed to tabling.

LEG. CARPENTER:

Opposed.

LEG. TONNA:

Opposed.

LEG. HALEY:

Roll call.

LEG. VILORIA-FISHER:

Opposed.

P.O. POSTAL:

Roll call.

LEG. ALDEN:

Motion to vote on this until the cows come home.

LEG. FOLEY:

There's still a few out there.

MR. BARTON:

Legislator Postal, who made the motion?

P.O. POSTAL:

This is table it?

MR. BARTON:

To table.

P.O. POSTAL:

Yes.

LEG. CARPENTER:

Can I make a motion to table not to a time specific, but just to table the resolution?

P.O. POSTAL:

Okay. I'll defer to you.

LEG. CARPENTER:

Motion to table.

LEG. CRECCA:

I'll withdraw my motion, Madam Chairman.

LEG. FOLEY:

Table to next meeting?

P.O. POSTAL:

No. To no time specific, and I'll second that if it hasn't been seconded.

LEG. CRECCA:

In other words, I withdraw my motion to table to 6:00. I'll change it to a motion to table, seconded by?

P.O. POSTAL:

Well, Legislator Carpenter had suggested the motion.

LEG. ALDEN:

Motion to reconsider the reconsidering motion.

LEG. FOLEY:

No.

LEG. HALEY:

Roll call.

LEG. FOLEY:

Please reconsider that reconsideration.

ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE

LEG. CARPENTER:

Yes to table it.

P.O. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not present).

LEG. VILORIA-FISHER:

Pass.

LEG. HALEY:

No.

LEG. FOLEY:

Yes to table.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Nope.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

No.

MR. BARTON:

Thirteen.

P.O. POSTAL:

Okay. We're going to go to resolutions -- page eight, resolutions tabled to May 13th. **1275, to implement Town of Babylon affordable housing plan**, and I'm going to make a motion to approve that.

LEG. BISHOP:

Second.

P.O. POSTAL:

Seconded by Legislator Bishop. All in favor?

LEG. CARACCILOLO:

On the motion.

P.O. POSTAL:

On the motion, Legislator Caracciolo.

LEG. CARACCILOLO:

Can we just have a brief explanation what is the plan?

P.O. POSTAL:

Yes. This was part of the affordable housing policy that was adopted probably about two years ago, which allocated a large amount of money to be bonded and used for affordable housing. The towns had to come in with a plan which we had to approve. To date, only one application has been approved, and that's Millenium Hills in the Town of Huntington. The Town of Babylon had submitted a plan for accessing \$500,000, which is really a small amount of money in comparison to the entire amount that was bonded. And there were difficulties in getting to contract in a plan that was agreeable to the County for a number of reasons. This has been going on for a very, very long time. It is \$500,000 that will come out of that pot of money to be used for affordable housing in the Town of Babylon, and that's what this resolution approves; the contract between the County and the Town of Babylon for affordable housing, and the allocation of \$500,000 for the town's use for that purpose.

LEG. CARACCILOLO:

Okay. I guess my question really goes to is money going to be used to purchase land? Is it

going to be used to subsidize affordable construction -- I mean, homes that are going to be constructed for an affordable housing program? Specifically, where is the half a million dollars going to?

MR. SABATINO:

It's going to be a revolving fund that the town had set up to rehabilitate and/or repair residential properties that will be sold to first time buyers. The plan that they -- the town I should say, had submitted, is attached as Exhibit A, and it outlines what -- how the revolving fund would work and some of the criteria. But the idea is to do rehab and repair.

LEG. CARACCILO:

Do we know how many structures that money will actually provide?

MR. SABATINO:

No, I don't.

LEG. CARACCILO:

When I think about what I read recently in the newspaper about the Bishop's renovation project, I think I'm going to pause before I support this until i know more about where this half a million dollars is going.

LEG. ALDEN:

Only another half a million.

LEG. HALEY:

Half a million here, half a million there.

LEG. CARACCILO:

Is it going to one house? Is it going to 25 houses?

LEG. ALDEN:

Keep on rolling.

MR. BARTON:

We have a motion and a second to approve 1275.

P.O. POSTAL:

Okay roll call.

LEG. CRECCA:

How much this is?

P.O. POSTAL:

\$500,000.

LEG. CRECCA:

Out of the funds?

P.O. POSTAL:

Out of the funds. It was supposed to ultimately 25,000. We haven't gone and bonded all of that. I'm sorry.

ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE

LEG. POSTAL:

Yes.

LEG. BISHOP:

Yes

LEG. CARACCILO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not present).

LEG. VILORIA-FISHER:

Pass.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Pass.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. ALDEN:

Yep.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

MR. BARTON:

16-1, with one not present.

P.O. POSTAL:

1275 is approved. **1585, authorizing a waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan.**

LEG. HALEY:

Can we pass over it?

P.O. POSTAL:

You want to pass over this?

LEG. HALEY:

Just a couple of minutes.

MR. SABATINO:

It has to be tabled.

P.O. POSTAL:

It has to be tabled?

LEG. FOLEY:

Yes. A motion to table, please.

P.O. POSTAL:

Motion to table.

LEG. HALEY:

Second.

P.O. POSTAL:

All in favor? 1585 is tabled.

LEG. FOLEY:

Thank you.

MR. BARTON:

17, 1 not present.

P.O. POSTAL:

1856, adopting mass transportation system map policy for Suffolk County. I'll make a motion to approve.

LEG. FIELDS:

Second.

P.O. POSTAL:

Second by Legislator Fields. All in favor?

LEG. BISHOP:

Explanation.

LEG. GULDI:

On the motion

P.O. POSTAL:

Yes.

LEG. GULDI:

Did we ever get a response to the question as to what the resignage cost would under this program in the event that the routes and schedules change?

P.O. POSTAL:

No. This is the one with signs.

LEG. GULDI:

Oh, printing matches. Thank you.

LEG. FOLEY:

Second the motion.

P.O. POSTAL:

I have a second, all in favor?

LEG. BINDER:

No explanation?

P.O. POSTAL:

Oh, I'm sorry. This would require our Department of Public Works to prepare and make available maps for our public buses the way they had it years ago. Some of us remember, we had them in our district offices to distribute, and we no longer do. So I think it's very -- unrealistic to expect we can increase ridership if we don't provide maps showing people how to get where they're going via public transportation.

LEG. FOLEY:

Plus, if I may, Madam Chair, when you finish.

P.O. POSTAL:

And it also directs the Department of Public Works to provide that information via the internet, so again if someone if somebody want to --

LEG. CARPENTER:

They're doing that now.

P.O. POSTAL:

It's nice that they are because -- well, let me just say that this bill was introduced quite a while ago. And the Department of Public Works asked me to hold off on approving this because they were, in fact, moving to do exactly this thing, and they were going to let me know when they had done that. That was I would say at least a year ago.

LEG. FOLEY:

Correct.

P.O. POSTAL:

And I think a year is certainly a long enough time to provide maps of our public bus system and to provide internet information and make sure the public has that. So I think that, you know, I've been very patient in waiting a year, and I think that my patients is at an end. And the public deserves information, if they are to access our public transportation system.

LEG. FOLEY:

If I may Madam Chair. Also, the way the department's gone about this is backwards. They are, in fact, developing the maps and the like, but the maps have no coherence to a policy. Normally we have the policy first and then the map making, if you will, flows from the policy. In this case, there's no policy. They're doing in a somewhat, and I say it respectfully, but somewhat of a haphazard fashion, and they may disagree with that. But what they cannot disagree with is that they're move forward with map making without any policy in place that would -- that would give anyone a sense of coherence and also a sense of what their plans are. It's being done in an ad hoc basis, and that's why we need to approve this legislation today.

P.O. POSTAL:

Okay. There's a motion and a second. All in favor?

LEG. BISHOP:

No. No.

P.O. POSTAL:

Oh, I'm sorry. Legislator Bishop.

LEG. BISHOP:

the result of this bill will be that in every bus stop there'll be a map?

P.O. POSTAL:

No. The result of this legislation will be that we will once again in our district offices have copies of bus maps as we used to, that copies of bus maps will be available. If someone, for example, calls the County DPW and requests a map, they'll be able to get one, and they'll be able to get on the website and find out where a bus goes.

LEG. BISHOP:

This is a very modest proposal that really should be passed unanimously. But I still don't understand. And when I was a member of the Public Works Committee, I regularly had this conversation with the Transportation Department, why we don't have, like New York City does, which is -- they were only going to experiment at a few stops, now we're doing all?

P.O. POSTAL:

No. There's another bill that's coming that would provide that information.

LEG. BISHOP:

That's excellent. I know I have all the maps in my window of my district office, and they're --

LEG. BINDER:

You have pictures.

LEG. BISHOP:

No, I don't have pictures, maybe I should. I have all the maps on the district office window, and the pedestrian traffic is constantly looking at the maps. So there's clearly a hunger for the information, and it's not out there. And to run a transportation system without the information

being readily available is absurd. So I congratulate the sponsor on this small step forward. And I look forward to the giant step that we really need to take, which is to have the maps and the schedules at those locations.

LEG. HALEY:

Motion to close debate.

LEG. FOLEY:

Dave, I thought they stopped to look in the window to see if there's any staff members in the office.

P.O. POSTAL:

I'm sorry.

LEG. CARACAPPA:

Just so you know, Madam Chair, Legislator Bishop should know that policy with relation to emulating New York City and their bus stops, we're very close to implementation, almost identical.

LEG. BISHOP:

Excellent.

P.O. POSTAL:

We're getting there. Okay. So we have a motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Thank you.

LEG. BINDER:

Motion to table.

LEG. ALDEN:

Second.

P.O. POSTAL:

Are you making a motion to table that resolution?

LEG. BINDER:

Yes.

P.O. POSTAL:

Oh, I see. You're going to the next one.

LEG. BINDER:

Yes.

P.O. POSTAL:

I see.

LEG. BINDER:

To move this along.

P.O. POSTAL:

2256 (Requiring County Department of Economic Development to advertise Suffolk County Commuter Tax Advantage for Workers). There's a motion to table and seconded. All in favor? 2256 is tabled.

LEG. BINDER:

Sorry.

P.O. POSTAL:

I didn't understand.

LEG. BINDER:

Sorry.

P.O. POSTAL:

1074, to penalize illegal clearing or building in the Suffolk County Pine Barrens. Is there a motion?

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Yes, Legislator Caracciolo.

LEG. CARACCILO:

I know that 2297 was withdrawn by the sponsor, but a question I have is the alternative that -- the compromise with Cablevision that you were successful in achieving, could you just restate what that compromise was and how soon it will be implemented?

LEG. ALDEN:

Just really quickly, they have agreed to appear before my committee -- not my committee, but before the Consumer Protection Committee at least once a year, more if there are any issues. They've agreed to a \$75,000 of competition. They've agreed to a -- what else was there?

LEG. CARACCILO:

Committee.

LEG. ALDEN:

What?

LEG. CARACCILO:

Establishing a committee.

P.O. POSTAL:

I'm sorry.

LEG. ALDEN:

It's in the committee.

LEG. CARACCILO:

No. No. I thought another aspect of the compromise was the establishment of a committee.

LEG. ALDEN:

A Citizens Advisory Committee has also been established.

LEG. CARACCILO:

And Legislator Alden, with respect to the \$75,000 study, what would be the scope and ultimate objective?

LEG. ALDEN:

They're going to study basically whether there's competition or not. So they'd look at rates and, you know, whether satellite competes with them, whether the whole issue that Congress looked at when they deregulated as far as stimulating competition for telephone services for on demand --

LEG. CARACCILO:

Deregulation, basically.

LEG. ALDEN:

Right. All that stuff.

LEG. CARACCILO:

Okay. Thank you.

P.O. POSTAL:

Legislator Crecca, did you want the floor on this bill?

LEG. CRECCA:

On 1074, yes.

P.O. POSTAL:

Okay.

LEG. CRECCA:

Just last time we were here, I made a representation that --

P.O. POSTAL:

We don't have a motion and a second on this though.

LEG. CRECCA:

We don't have a motion and a second. I'll hold off until we have a motion.

P.O. POSTAL:

Okay. There is a motion -- Henry, do we have a motion and a second?

MR. BARTON:

Not yet.

LEG. FOLEY:

Jon, you're the sponsor, what do you want to do with the bill?

LEG. COOPER:

I made a motion to approve. I made a motion to approve five minutes ago.

LEG. FOLEY:

I'll second.

P.O. POSTAL:

There's a motion to approve and seconded by Legislator Foley.

LEG. CRECCA:

On the motion.

P.O. POSTAL:

On the motion, Legislator Crecca. This is so orderly.

LEG. CRECCA:

It really is. Last time we were here I made a representation that it was being worked on in

Albany. Just to give my colleagues an update, Mike Deering, who is from Assemblyman DiNapoli's Office, Ken LaValle, Supervisor LaValle, John LaValle, and the Riverhead and Southampton supervisors did conduct a conference call, and they did make some final changes to the bill -- or what was described to me as final touches on the state bill that address some of the problems that were raised. And I just wanted bring that up. So my understanding is that this is anticipated to move through the Assembly and the Senate this cycle -- you know, during this Legislative session. Again, just to update where we were the last time. And again, I'd just question whether or not we should put the resources and the manpower at the County level into this program if the state is going to be doing it.

LEG. COOPER:

Madam Chair.

P.O. POSTAL:

Legislator Foley was next.

LEG. FOLEY:

Yeah, thank you. While that is good news that the state is looking to move forward, I would hasten to add that no doubt both the state and the townships are now looking more carefully at this particular area, precisely because the County Legislator Legislator Cooper filed this legislation sometime ago. So I think what we need to do is to still move forward, approve the bill today, so given the importance of the Pine Barrens, given the importance of preserving the Pine Barrens and given the past track record of some rather weak regulations or oversight at the local level and given the amount of money that -- particularly the amount of money that we as a County have spent, hundreds of millions of dollars, to protect the Pine Barrens, I think a natural follow-up to that is this kind of legislation by County government. The townships can pass the legislation, the state can pass it, but I think we also need to pass it principally because we have invested more than any other level of government. We have invested hundreds of millions of dollars, the least that we can do is have some regulatory follow up to that. And even if the state has some regulations that they say they are going to put in place and the township, they're not going to compete with each other. I think they'll to compliment each other, and they'll be, to use a term, maybe even a synergistic effect of where three different levels of government can work together and cooperatively in a stronger and more effective fashion than if the County stays out of this. We need to get involved regulatory wise because of the amount of money we've invested in preserving these lands.

LEG. CARACCILO:

Here, here.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Does this create sort of like a building code enforcement? So how much money are we putting into that, and how many code enforcers are we going to hire? I address this to -- I was going to Legislator Sabatino, but I always make that mistake. It's Legislative Counsel Sabatino.

MR. SABATINO:

Okay. The question was how many code enforcement people are going to be --

LEG. ALDEN:

Yeah. Do we create a separate department now for code enforcement?

MR. SABATINO:

No. The same people who are currently authorized to enforce it would still be authorized to enforce it. You certainly would be free to expand upon that and, you know, for example, create more positions of park police, but this bill doesn't do that or necessitate it, but it certainly would be an option.

LEG. ALDEN:

This bill envisions park police officers going in there and issuing summonses?

MR. SABATINO:

That would be one example of people who could enforce it, because it would be within their jurisdiction and scope.

LEG. ALDEN:

Okay. Is there a provision in there to cover for -- for instance, right now we have woefully few park police officers, and we have all kind of illegal activity occurring all over Suffolk County on park -- on parcels of property that are owned by Suffolk County. So we have illegal activity

where it's denigrating the environment, denigrating -- and actually leaking fuel oils, contaminants and all that kind of stuff on property that's owned by Suffolk County right now. Does this actually -- does it bolster our efforts to stop it or does it take away those precious few resources and give them more responsibility? How does this work?

MR. SABATINO:

This actually supplements and buttresses what you described, because this particular bill, in fact, amends preexisting legislation that's already on the books, I think it's Article 1 of the chapter and Article 2, which deals with dumping hazardous and toxic materials in the Pine Barrens. So this is supplemental to that in the sense that it's amending the same chapter. It's dealing with the same kind of enforcement provisions, but these particular penalties would be stiffer.

LEG. ALDEN:

Okay. But it creates more responsibility for the people that are doing work right now, an added burden? You know what? That's subjective.

MR. SABATINO:

That's subjective. I mean, there's two schools of thought on that.

LEG. ALDEN:

Okay.

MR. SABATINO:

There's two schools of thought.

LEG. ALDEN:

Thanks.

P.O. POSTAL:

Okay. Legislators Cooper.

LEG. COOPER:

Legislator Foley actually made most of the points that I was going to make. I just wanted to say

-- reiterate that taxpayers of Suffolk County have spent hundreds of millions of dollars over the years preserving and protecting land in the Pine Barrens. I don't want to get into the issue about whether the towns or the state have acted adequately to protect this investment, but I think it's entirely appropriate for Suffolk County to act. And as Legislator Foley mentioned, we're not taking away in any manner the ability of the towns or the state to enact their own fines, but I think it would be very worthwhile for Suffolk County to have this authority. Thank you.

LEG. CARACCILOLO:

Madam Chair.

P.O. POSTAL:

There's somebody before you, Mike. Legislator Bishop.

LEG. BISHOP:

Thank you. Legislator Alden. I wanted to make the comment towards Legislator Alden. I'm sorry. I wanted to make a point. There has been concern about the level of enforcement commitment. And given own Suffolk County's interest in the Pine Barrens, I think this can best be analogized to something similar to our crack house, our nuisance abatement laws, we have them on our County books, but they're also on the state and town levels. So it's a question of which level of government will choose to enforce it, and it's nice to know we have it in our arsenals should the other levels of government fail to meet their responsibilities. So I don't think it's something that necessarily has to follow with a large bureaucracy, but it is a weapon that we could use if we need to.

LEG. HALEY:

Weapons, all you want is weapons.

P.O. POSTAL:

Okay. Legislator Caracciolo. Legislator Caracciolo.

LEG. CARACCILOLO:

For Budget Review or Counsel. How many acres were preserved in the central pine -- the Long Island Pine Barrens Region as part of the 1994 state legislation? And what amount of the total was County funded in acreage and dollars, and how much of it was town funded?

MR. SABATINO:

I have that information back in Hauppauge. I don't have it in front of me.

LEG. HALEY:

That's amazing.

MR. SABATINO:

Suffolk County clearly did the substantial portion both in terms of acreage and funding. In fact, that one point, the ELAP Committee a year-and-a-half ago had sent a letter to the state and also we had drafted legislation to ask the state to pick up its requisite share. In that particular resolution, we laid out the respective shares and, it was predicated on the County having done in the judgment of its sponsors, you know, more than its fair share and asking the state to make up the difference.

LEG. CARACCILO:

What about towns? Towns didn't make any purchases.

MR. SABATINO:

Well, I'm not the final word on that particular allocation and composition. I don't recall any.

LEG. CARACCILO:

Madam Chair, is there anyone here from the Planning or Real Estate Department?

P.O. POSTAL:

I don't see anybody.

LEG. CARACCILO:

We have a number of resolutions that deal with land acquisitions. There's no reason why they should not be present.

P.O. POSTAL:

Well, I agree with you. We're going to check in the back. And Linda, just call them if they're not back there. Because I agree with you.

LEG. CARACCIOLO:

I'm going to support the resolution. I think it's a good local law. And if, in fact, the state passes its own separate legislation that trumps ours, so be it. But this certainly has proven to be already the impetus for the towns to put some stronger laws on their books, and what's wrong with that?

P.O. POSTAL:

All right. I believe we're ready for a roll call. There is a motion and a second, Mr. Clerk?

MR. BARTON:

Yes. To approve.

P.O. POSTAL:

Okay. Roll call.

(ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. COOPER:

(Not present).

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

(Not present).

LEG. TOWLE:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Pass.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

(Not present).

LEG. CRECCA:

Abstain.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Yes.

LEG. BINDER:

Abstain.

LEG. TONNA:

Yep.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Pass.

LEG. GULDI:

(Not present).

LEG. TOWLE:

Abstain.

LEG. FIELDS:

Yes.

LEG. CRECCA:

Motion to table until the sponsor comes back. Never mind, withdrawn.

LEG. CARPENTER:

(Not present).

LEG. NOWICK:

Yes.

LEG. COOPER:

Motion to table.

LEG. TONNA:

Second.

LEG. CARACCILO:

You've got ten, Jonathan, what are you doing?

LEG. HALEY:

Second.

LEG. COOPER:

Motion to withdraw my motion to table. I'm sorry. I'm sorry. I was out.

LEG. TONNA:

You can't get a count.

LEG. COOPER:

Okay. I'll tell you what, I'll approve, yes.

P.O. POSTAL:

Abstain.

LEG. GULDI:

(Not present).

MR. BARTON:

Nine.

P.O. POSTAL:

I'm going to make a motion to reconsider the tabling motion on **1116**.

LEG. TOWLE:

Second.

P.O. POSTAL:

Seconded by Legislator Towle. All in favor? Opposed? Okay.

MR. BARTON:

17, 1 not present.

P.O. POSTAL:

Thank you. Now, I'm going to make a motion to reconsider 1116.

LEG. BINDER:

Reconsider is already done, it's before us.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Okay. To approve, I'm sorry.

LEG. CARACCILO:

Have we made inquiry about Planning or Real Estate Division?

MS. BURKHARDT:

There's nobody here.

LEG. CARACCILO:

Let's get them here. We're going to spend millions of dollars of taxpayers money this afternoon, and we need representatives that oversee that program.

P.O. POSTAL:

Okay. You know, they have tried. The problem is nobody made a request prior to this.

LEG. CARACCILO:

It should been a standard request.

LEG. CARACAPPA:

Table all of them.

P.O. POSTAL:

Mike, I agree with you.

LEG. CARACCILO:

That will work for me Legislator Caracappa. Table all of them.

P.O. POSTAL:

I think -- you can table them.

LEG. CARACCILO:

Shows you where their priorities are.

P.O. POSTAL:

I will send a letter to every County department making them aware that they're expected to be at Legislative meetings if they have resolutions relate to their department on the agenda or we will not be prepared to take action on those resolutions. Is that satisfactory?

LEG. CARACCILOLO:

Can we try to get them here this afternoon? They work until 5:00.

P.O. POSTAL:

I guess they get they paid until five. I will send a letter telling them that we expect them here.

LEG. CARACCILOLO:

No, this meeting. You have acquisitions on here that last time I looked at it are in the range of about \$8 million, minimum.

P.O. POSTAL:

I don't disagree with you. You know, I will ask that such a letter be sent to every County department.

LEG. CARACCILOLO:

I need them here today.

P.O. POSTAL:

Right. Well, you know, I would suggest that you may not want to take -- if you can't get them here, then maybe resolutions --

LEG. CARACCILOLO:

I spoke to Tom Isles less than an hour ago, he was in his office and took my phone call.

P.O. POSTAL:

Well, you know, has anyone put a call into Tom? We'll get a call into his office.

LEG. CARACCILOLO:

Lisa, go make a phone call.

LEG. FOLEY:

Madam Chair, I mean, really not to make it sound so basic, but it's an Executive Branch. We have -- with all respect, Madam Chair, to the Executive's representatives here, one of them can make a phone call to the Real Estate Division and request that whoever we need to be here should be here. It takes no more than forty-five minutes from Hauppauge to get here. And that particularly on a Legislative day, it should be anticipated by particularly Real Estate that they should at least be on call, if not here in person. So phone calls should be made, and they should be able to get here within 50 minutes. It's really -- this is not -- this is not, you know, brain surgery, this is basic governing for God's sake.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

I don't agree. You know, we have the committee process. You know, how much more information -- you're going to -- you know, this is the practical effect of slowing down government in toto, and this has been the tact of this Legislature for the last few years, all right? We're just going it make it that much more difficult, so I don't agree.

P.O. POSTAL:

The request was made, we're going to call Tom Isles again.

LEG. FOLEY:

Get Christine Costigan in Real Estate. Planning and Real Estate.

P.O. POSTAL:

Well, he is her superior, so we're going to start with him. Now, I am going to make a motion on -- to approve 1116.

LEG. FOLEY:

Second.

P.O. POSTAL:

Now that it's being reconsidered, seconded by Legislator Foley. Let's do a roll call.

LEG. HALEY:

To approve, right?

P.O. POSTAL:

To approve.

(ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. POSTAL:

Yes.

LEG. FOLEY:

Yes

LEG. CARACCILO:

Pass.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. HALEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

Yes.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Pass.

LEG. COOPER:

Pass.

LEG. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

MR. BARTON:

11.

P.O. POSTAL:

Okay.

LEG. GULDI:

Madam Chair.

P.O. POSTAL:

Yes.

LEG. GULDI:

I was tied up out of the room when we did **1704**, and I'd like to make a motion to reconsider so I could vote affirmatively.

P.O. POSTAL:

1074?

LEG. FOLEY:

Second the motion.

P.O. POSTAL:

Okay. All in favor to reconsider? Okay. **1074**. Opposed, Legislator Caracappa.

LEG. ALDEN:

On the motion.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

I just would like to find out how many times we voted on -- how many times can we vote on 1116, how many times did we vote on 2297, 1074? I'd like all the numbers on all these,

because before I even cast my vote whether to reconsider this or not, I think it behooves all of us -- if it's important enough to be on our agenda, it would behoove us to be here for the vote. So why should all the rest of us sit around and vote on these things and discuss them and vote on and on and on?

LEG. GULDI:

Point of personal privilege.

LEG. ALDEN:

Can somebody answer that question? How many times we voted on especially 1116? How many times did we vote on that? How many motions were there on that?

MR. BARTON:

There were two votes on the merits, there were a total of --

LEG. BISHOP:

Is this germane to anything?

LEG. ALDEN:

No, it's not germane to anything.

MR. BARTON:

Six votes involved.

LEG. HALEY:

Most of this isn't germane to anything.

P.O. POSTAL:

There was point of information, let's just get the answer and move on.

MR. BARTON:

There were six votes on 1116, two on the merits.

LEG. ALDEN:

How about 1074?

MR. BARTON:

1074, that was just one.

P.O. POSTAL:

Okay. Now, George, did you --

LEG. GULDI:

Forget it. Forget it. Forget it.

P.O. POSTAL:

Okay. We are -- let's see. There was a reconsideration motion.

LEG. FOLEY:

Yes, on the floor. Seconded by me.

P.O. POSTAL:

There's a motion to approve and a second?

LEG. FOLEY:

Reconsideration first.

LEG. GULDI:

Call the reconsideration first.

P.O. POSTAL:

All in favor of reconsideration?

LEG. TONNA:

Of which?

P.O. POSTAL:

Opposed? **1074.**

LEG. TOWLE:

Opposed.

LEG. HALEY:

Opposed.

LEG. CARACAPPA:

Opposed.

P.O. POSTAL:

Roll call on the reconsideration.

(ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. GULDI:

Yes.

LEG. FOLEY:

Yes, to reconsider.

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

MR. BARTON:

Ten.

P.O. POSTAL:

Okay. 1074 is before us.

LEG. FOLEY:

Let's hear it Jon.

P.O. POSTAL:

Motion?

LEG. COOPER:

Motion to approve, please.

LEG. FOLEY:

Second.

LEG. VILORIA-FISHER:

Second.

LEG. CARPENTER:

Motion to table.

LEG. FOLEY:

Second the motion to approve.

LEG. CARACAPPA:

Motion to table.

LEG. HALEY:

Second.

LEG. CARPENTER:

Second.

P.O. POSTAL:

All right. There's a motion to table and a second.

LEG. CRECCA:

Roll call.

P.O. POSTAL:

Roll call.

(ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

No.

LEG. TOWLE:

Yes.

P.O. POSTAL:

Wait. Wait.

LEG. FIELDS:

What is this?

P.O. POSTAL:

Mr. Clerk, what is the motion?

MR. BARTON:

Motion to table.

P.O. POSTAL:

And this is on 1074.

MR. BARTON:

1074. I'll start again.

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. TOWLE:

Yes to table.

LEG. CARACCIOLO:

No.

LEG. GULDI:

No.

LEG. VILORIA-FISHER:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

P.O. POSTAL:

No.

LEG. ALDEN:

No.

MR. BARTON:

Seven. Tabling fails.

LEG. GULDI:

Roll call on the approval motion.

LEG. FOLEY:

Motion to approve and seconded.

P.O. POSTAL:

There's a motion to approve and a second?

MR. BARTON:

Yes.

P.O. POSTAL:

Roll call.

(ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. COOPER:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

Abstain.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Yes.

LEG. BINDER:

Abstain.

LEG. TONNA:

Yep.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. NOWICK:

Yes.

MR. BARTON:

11.

LEG. FOLEY:

11.

P.O. POSTAL:

Okay.

LEG. GULDI:

Motion to table.

P.O. POSTAL:

1079.

LEG. FOLEY:

Second.

P.O. POSTAL:

1097, a charter law in connection to subpoena power. Legislator Guldi.

LEG. GULDI:

Motion to table.

LEG. HALEY:

Second.

P.O. POSTAL:

Second. All in favor?

LEG. BISHOP:

Where are we now?

P.O. POSTAL:

1079. There's a motion to table and a second, and it has been approved, right?

MR. BARTON:

18.

P.O. POSTAL:

1114, motion to table.

LEG. HALEY:

Second.

P.O. POSTAL:

All in favor? Opposed? 1114 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1134, authorizing the extension of a lease of premises located at 1140 Motor Parkway, Hauppauge, for the Department of Social Services. Motion by?

LEG. CRECCA:

I make a motion to approve.

LEG. HALEY:

Second.

P.O. POSTAL:

Legislator Crecca, seconded by Legislator Haley.

LEG. CARACCILO:

Roll call.

P.O. POSTAL:

Roll call.

(ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. CRECCA:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Pass.

LEG. TOWLE:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. POSTAL:

No.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. ALDEN:

Yes.

MR. BARTON:

14.

P.O. POSTAL:

1135, a local law to restrict the purchase of sport utility vehicles by Suffolk County.

LEG. BISHOP:

Motion to approve.

P.O. POSTAL:

Motion to approve by Legislator Binder, seconded by Legislator Bishop.

LEG. CARACCIOLO:

On the motion.

LEG. TONNA:

On the motion.

P.O. POSTAL:

Legislator Caracciolo, followed by Legislator Tonna, followed by Legislator Haley, followed by Legislator Caracappa.

LEG. CARACCIOLO:

Madam Chair, for the sponsor or Counsel, just a brief explanation of the latest revisions and what the import of the legislation is.

MR. SABATINO:

Well, there's a most recent corrected copy from the beginning of this month, which does several things. First of all, the definition of SUVs and pick-up trucks have been added at the request of a Legislator. So now there's a specific detailed itemization of which vehicles are characterized as which. The second important thing is that SUVs would have to be justified in writing for a particular assignment by the pertinent County department head or elected official, depending on circumstances, regarding the use of that vehicle, and then there would have to explicit authorization by duly enacted resolution for that particular acquisition whether it's by lease or by purchase. So in either of the two categories it would required legislative approval. The next component of the bill is that the assignment of the SUV itself would have to be an individual whose job title and function actually matches what the justification is that the department

provided. So if the justification says it's because X, Y and Z should be done, the person who gets the vehicle should be someone who's doing X, Y and Z.

Another component of the bill is a requirement that the County Department of Public Works now develop an analysis by January 1st of each year regarding the -- basically it's an analysis of the cost effectiveness of County vehicles and to the extent that the standard is created, there can't be deviation from that standard, unless, again, there's a duly enacted resolution that articulates the reason from not using that cost benefit analysis. And then the final component of the bill is that all acquisitions have to be in compliance with this new County vehicle standard, which will again be that cost benefit analysis, and it will have to incorporate any written justification if someone is seeking an exception to that -- to that standard.

LEG. CARACCILOLO:

Thank you. The resolution identifies by make and model over 100 vehicle descriptions. How many do we have in the County fleet? How many SUVs do we actually have in the fleet? Do we have --

MR. SABATINO:

I personally don't know.

LEG. CARACCILOLO:

Budget Review?

MR. REINHEIMER:

Our last analysis, we had 119 in the fleet. In 1997, there were 111. Average purchase price of \$23,000.

LEG. HALEY:

How much?

MR. REINHEIMER:

23,000.

LEG. CARACCILOLO:

23,000.

LEG. CARACCILO:

Thank you.

P.O. POSTAL:

Legislator Haley.

LEG. BISHOP:

how many?

MR. REINHEIMER:

119.

LEG. HALEY:

Just looking at a couple of things. Item 61, I never heard of a GMC Yukon. Seems to me that when you're talking about -- I don't agree with this legislation at all really, but I think the primary purpose of curtailing the use of anything that might fall into the SUV category, and there's so many that do, because it's popular now a days is to do so by weight and if you want from a safety perspective height of the bumper and lastly the mileage. But it seems to me that any given day you'll have to come back and readdress this, because in absence of specific definition of an SUV, you know, somebody comes up in that GMC Yukon tomorrow, becomes a GMC whatnot, how do you argue whether in fact it's a successor, so on and so forth. So I don't really think this reaches I think an appropriate definition of SUV.

P.O. POSTAL:

Legislator Caracappa. I've got you on the list, George.

LEG. GULDI:

Okay.

LEG. CARACAPPA:

My concerns are similar to those who oppose the bill. I think to have it in writing or to come up with a justification to use an SUV from all of the departments that need them, such as Parks Department, our Police Department, our Public Works Department, Vector Control. The list goes on and on and on. With miles of beach front, with tens of thousands of acres of open space,

with God only knows how many miles of road that are affected from winter storms and the like, we need to have the proper -- the proper vehicles or the proper equipment and this is equipment in this instance.

And to have them come and justify the need on each and every time or basis when there is such a wide variety of uses when it comes to SUVs now a days and have been for years and years in the past, it's just now politically sexy to go after SUVs because the gas crisis and they're gas guzzlers. So to say that this is warranted now, in one instance, yes, maybe, but when it comes to providing services along all the things that I just mentioned, I think we may be hampering it and actually putting people and taxpayers in jeopardy possibly because of response time and actually getting to locations where taxpayers may need help and the only access to those areas are through -- by SUVs or four-wheel-drive vehicles.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Thank you, those who are here. I guess we have some Legislators here. First off, in terms of -- in terms of definition, the truth is that the companies themselves define their vehicles, and they define them as SUVs or recreational vehicles or whatever they call them, but they define the vehicles. So it's not very hard to figure out what it is. All of a sudden I would think GMC is not going to look at Suffolk County and say, we're not going to call that an SUV anymore, so -- because we don't want Suffolk County -- it to come under the Suffolk County definition. So my guess is we're not going to have much of a problem with that.

In terms of the proper use, I think that's the reason for the bill. Proper use for all the County fleet and County vehicles is the idea here is to try to get control of our County fleet. There are a couple of things that this does, it's not just an SUV. There's another provision in this legislation that says that our department -- or really it's going to happen at purchasing, they're going to have to create kind of a grid and they're going to have to figure out from the cost to maintain the vehicle, the cost of gasoline, and the cost of the car itself, the liability involved with the type of vehicle, they're going to have to tell us what is the least expensive vehicle for us to use. So across the board, we're going to have kind of a County standard. I don't know that we have to have Crown Vics and Tauruses all over the place when we can have possibly Ford Escorts when they're appropriate.

At the point that they're not appropriate for a particular job, I agree totally that we need to be able to offer something else, on the beaches and all the emergency situations. I don't think it's inappropriate to have the Executive people come over to our side and say, here, this is five vehicles we want to purchase. Now you heard there were 119. Out of 119, they don't have to come over 119 times. Each department has X number of them, each department would come over with their vehicle purchase; it could be 10, 20, 30. So there would be a handful of justification. And they would come over and say, we got them on the beaches. A Ford Escort probably won't get too far on the beach. We have Emergency Services, a Ford Escort is probably not going to do much for us. So in this case we need an SUV because of X, Y and Z. There was a time when the sanitarians in this County, not only did they go check restaurants, but our sanitarians would go in and they would have to carry chemicals in their back -- in the back of their cars. And they had cars that had trunks, and the trunk divider between the cab and the trunk didn't allow for a separation, so they would be asphyxiated sometimes from chemicals they would have to carry.

So this Legislature said, you know, it is proper in that case, because they came and said we need trucks, pick-up trucks or a truck that had a separate cab so we're not going to be harmed. And we actually provided particular types of vehicles, because it was appropriate. So it is fully appropriate for the Executive to come over to the Legislature and say we want to do something that's more expensive, we want to do something that's more appropriate in this particular case, and I think the Legislature is not going to have a hard time saying yes to it. The next level also is that we're also saying in here, and I think it gains support when we put this provision in, a lot of the members signed on at this point when we said that for all the purchases, come over here and tell us what you're purchasing. So the Legislature's going to have a very good view of the forest, not just of the trees, because we will on each -- on those they want to justify for a higher use and they want to get a bigger car, more expensive car, but what they need to do also is give us the ability to look at the forest. We have been for years, I'm here now 14 years, and for 14 years it has been almost an impossibility to get a good handle on who has what cars, when we buy them, who are they for, why are they for, who gets them. We're going to get a better look at the forest, because when they come over and say to us they want to buy cars, they're going to come over now. They're not just going to buy cars, they're not just going to go and do it. They're going to come to us and ask us and we're going to get a look whether they like it or not, we're going to get a look at the fleet.

So it does a number of things; it questions the use of SUVs where it's inappropriate. And you know of the 119 vehicles there are a number of SUVs that directors of different agencies or directors of different department have as a status symbol. I know that for certain. I've heard if from enough people who are angry who are on the bureaucratic level who thing -- you know have called and said, it really stinks that my supervisor has it, he brings it home, he brings it back, I'm the one out in the field, I have the small car and he's out there not doing anything and he's got himself a truck because it's a status symbol. That's going to end. There's no reason to have SUVs in those cases. And there are other inappropriate uses probably for SUVs. We're going to know them, but in ever appropriate case, there will not be a safety question, because we're not going to let that happen. I would think this Legislature in every safety question will make sure an SUV that's proper will be had by our departments.

So in terms of larger vehicles, we're taking care of it. In terms of us getting a better view of what the County is purchasing, we're going to take care of it. The last thing also is in a fiscal crisis, in a fiscal crunch, we should be making sure the County is purchasing cars that are appropriate, the cheapest, the smallest, the easiest for us to maintain in general. It might not be the smallest, because it's going to be put together as the best for the County, the best in terms of cost and the best in terms of maintenance and safety. So that combination, that combination is something I think we have to do, and I think this bill covers it. And I hope I can have your support.

P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

The problem when you cosponsor a bill with Binder, he doesn't leave you any words to say.

LEG. GULDI:

You're going to let that stop you?

LEG. BISHOP:

We live in a county that's clearly facing a fiscal crisis. We live in a County that's in a non attainment area in terms of the Clean Air Act, we live in a County that has an irrational policy with regard to the allocation of vehicles. After all, we have probation officers in their own cars, and we have office managers driving sport utility vehicles. That is illogical and ultimately

intolerable. What this bill will do is bring a rational policy to the allocation of vehicles. It will do so by making the acquisition of vehicles transparent and force the system to justify the allocations and purchases it makes. Sport utility vehicles as status symbols is a symbol of the '90s, as we know, but it's entirely inappropriate for government officials to use public money to drive vehicles that are -- you know, large vehicles to make a statement about how important they are.

LEG. TONNA:

Right.

LEG. BISHOP:

Government vehicles should be about performing government functions. And it's time that we brought that logic to the policy. And that's what this bill seeks to do. So I join with my colleague, Legislator Binder, and myself, we don't often agree, but on this issue, it is clear that we need to have a rational policy that is transparent and fiscally prudent, and that's what this bill accomplishes.

P.O. POSTAL:

I still have a list. Legislator Guldi.

LEG. GULDI:

Yeah. I have a couple of questions. Well, actually, let me start with Counsel. Budget Review, 119 vehicle count for SUVs, did you include minivans and station wagons in that count? Lance? I'm sorry my question is the 119 vehicle count, did you include minivans, vans and station wagons in that 119 vehicle count?

MR. REINHEIMER:

I didn't see the source data, but I would assume those don't fit the definition of SUV. I'm sure we looked at the standard what most people would think an SUV is.

LEG. GULDI:

Right. I would tend to agree with you, but I look at the definitions --

LEG. HALEY:

That was ambiguous.

LEG. GULDI:

-- in the bill -- and if I could have the attention of the sponsors -- the bill defines a whole -- item 66 through 81 specify the common minivans that are on the market, which are by any means if anything a negative status symbol, not a status symbol at all, with perhaps the exception of a couple of the high end luxury models of those. And is it the intention of the sponsors not just to regulate SUVs, but to make the minivans being used for cargo delivery and for intercounty mail and the like subject to this legislation? Because it was -- as a cosponsor, it was beyond the scope of what I intended it to be. Yet they are included and defined as SUVs, and they're not.

LEG. BISHOP:

yeah. May I respond?

P.O. POSTAL:

Yeah.

LEG. BISHOP:

I'll yield to Counsel if you to respond.

MR. SABATINO:

A request was made to have a definition of SUV, the definitive definition of SUV on national basis is what you see as items one through 87. Those are SUVs. But to deal with your particular issue, if you believe that when a department comes in and, you know, makes a request for one of those vehicles to be rationally justified for use, they get explicit approval, they can use the vehicle.

LEG. GULDI:

The Chevy Astrovan or a Ford Taurus station wagon don't fit my definition of SUV.

MR. SABATINO:

I didn't want to be subjective, so I went to a national standard.

LEG. BINDER:

Would you yield for a moment?

LEG. GULDI:

Legislator Binder, I'll yield.

LEG. BINDER:

The truth is while we're talking about SUVs, they have to justify anything over this other standard we set in the other section. The other section says --

LEG. GULDI:

I understand. I understand the standard.

LEG. BINDER:

So the truth is they would have to in any case justify an Astrovan even if it weren't an SUV. In any event, they're going to have to justify it. So they should justify it, because if they need it, show us why, and I'm sure we'll be very happy to give it to them.

LEG. GULDI:

My secondary concern is given the definition of pick-up trucks -- other than the -- other than the definition of pick-up trucks as set forth in the definitional section of section two, I don't see the word pick-up truck referred to anywhere else in the bill. Is it? Am I mistaken?

MR. SABATINO:

The reason the definition was put in was because someone had raised the concern about are pick-up truck part of the SUV standard when there was no definition. So to ensure there would be absolutely no interpretation problems, no conflict, no confusion, no ambiguity, we took the national standard again defining and listing what the pick-up truck is so that there would be absolutely no dispute with regard to what's in and what's out of the initial evaluation process.

LEG. GULDI:

The other concern I have is the Legislative language in both definitional sections refers to any successor vehicles thereto. Frequently manufacturers don't create a successor vehicle, but discontinue a line and create an entirely new vehicle. Under these definitions, I don't see the new vehicles being arguably covered as distinct from a successor of an existing model.

MR. SABATINO:

Well, two points to be made. One is this is the national standard as it exists today, May 13th. The successor language was to take into account those instances in which sometimes the very basic same body vehicle is simply recharacterized under a different name at a later date. That was the deal with that aspect of it. With regard to new vehicles that come on line and are going to be characterized as SUVs, the definition would have to be --

LEG. GULDI:

Amended.

MR. SABATINO:

-- expanded and modified over time. But you have to have a starting point. The starting point is what we know today as we currently work with the vehicles that are out there, plus any vehicle that gets recharacterized or renamed, at least we know that's covered in the initial legislation.

LEG. GULDI:

So in addition to the annual, if you will, purchasing requirements or review of the County, we're going to have to review the annual new models of automobiles manufacturers and amend our definitions?

LEG. HALEY:

Right.

LEG. GULDI:

The next question --

LEG. BISHOP:

You think that's too much work?

LEG. GULDI:

The next question that I have is that the pick-up trucks, however, as I read this -- like all other vehicles would be subject to the cost justification analysis to authorize their purchases. Has anyone done a cost analysis for what it will cost DPW to develop the cost justification or is there

some third party source that we can essentially pirate it from since it includes maintenance costs as well as operational costs?

LEG. BINDER:

Can I answer him? The information is out there. The data on every vehicle exists out there with the insurance industry, with other industry standards, safety analysis, it's all out there. All the data exists, all you have to do is take the data, put it in, put on the grid and make an evaluation.

LEG. GULDI:

Except the service records.

LEG. BINDER:

The service record of a particular used vehicle?

LEG. GULDI:

Service records of a particular model vehicle.

LEG. HALEY:

Complaint records, complaint frequency.

LEG. BINDER:

But that's not -- what's in it is what it costs to maintain, that information is out there, but it's all out there. All of the information exists. Whatever doesn't exist you couldn't plug in and so, you know, you have to make a grid based on the information you have and then get us the lowest cost per mile vehicle that drives our County employees safely. And this way we have a standard vehicle in the County. And then before people run out and get a Crown Vic, you know, they have to tell us why they need a Crown Victoria. There has to be a reason for it.

LEG. GULDI:

Thank you.

P.O. POSTAL:

Okay. Legislator Haley.

LEG. HALEY:

In all due respect to the cosponsors, Legislator Bishop insists on inserting the word transparent where it really should be ambiguous, and you've got to look up those two words. And Legislator Binder, when you talk about forest or growth, I think that's having a practical effect on your ability to make appropriate legislation that is not ambiguous. It seems to me --

LEG. BINDER:

You think that mustache is effective --

LEG. HALEY:

I don't understand why you don't simply don't say to the Executive Branch of government, and I know there are some undertones to eventually go to a County manager, because once you decide that everyone's got to come back to the County Legislature for every single approval, then you'll have it all. All right? What amazes me about this is how it is still, in fact, very ambiguous. You talk about the costs, but you don't talk about in your resolve, in your Legislative intent to talk about safety, first of all. Second of all, when you talk about cost, you take a Toyota RAV Four, all right, which probably costs more money than the vehicles we're driving --

LEG. BINDER:

Can I answer your question about safety?

LEG. HALEY:

No. I'll let you have the floor when I'm finished. Seems to me that a simple definition, all right -- and everything I've seen so far has been ambiguous -- a simple definition as it relates to mileage, costs, the safety costs, if you're concerned about SUVs, you don't even have to worry about the weight, because if you talk from a mileage perspective and a cost perspective, there are SUVs that probably would meet that set of criteria in here where others won't, because it would be either very expensive or if they're weighty their mileage would be lesser. I think using SUV as a standard -- or to be politically correct, everyone wants to pick on SUVs. Think about it. The problem with SUVs from a safety perspective, it's probably more safer for the occupants than it would be from a liability perspective should a County vehicle, you know, with a high bumper hit a smaller vehicle via a private citizen. So the whole thing is substantially ambiguous. I can't imagine -- and this will come back, and fortunately, I won't be here when it does, but this will come back to bite you over and over and over again.

LEG. BINDER:

Can I answer the question? Can I answer the question on the safety? Legislator Haley, would you yield a moment.

LEG. HALEY:

I'm done.

P.O. POSTAL:

Go ahead, respond to his question, please.

LEG. BINDER:

The answer is that in the grid, we specifically have liability and safety questions as part of the analysis. So it's in the legislation, it has to be considered. That is -- that is part of the analysis that has to happen as we determine the County vehicles.

LEG. HALEY:

That's an analysis, no specific figure.

P.O. POSTAL:

Legislator Haley, he's just responding. Let's not, okay?

LEG. HALEY:

I'm sorry.

P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, a question for BRO. We heard there's 119 SUVs, what's our total fleet? How many cars?

MR. REINHEIMER:

I don't have those numbers with me right now.

LEG. CARACCILO:

Several thousand, Bill.

P.O. POSTAL:

We could never get an answer, am I right?

MR. REINHEIMER:

We do get a report -- we do get a report from DPW, and I can check with the office and get that. I will see if I can get that within the next few minutes

LEG. LINDSAY:

I think that's the key, you know, what percentage of our fleet is SUVs? Is it a major problem? Is it being abused?

LEG. BISHOP:

It's also cars across the board.

P.O. POSTAL:

Okay. Hold on, hold on. Legislator Towle.

LEG. TOWLE:

Thank you, Legislator Postal. We don't know the numbers of our cars in our fleet? I mean --

LEG. VILORIA-FISHER:

He doesn't have it right this second. We do have it.

LEG. TOWLE:

You think we'd have a ballpark. I mean, you have ballpark of 119 SUVs out of the fleet, why not a total number for the fleet? While they're looking that up, though, let me ask Counsel a couple of questions, if I could. Does this include -- Paul. I'm sorry. Would this include -- I've heard about purchasing cars, what if we were to lease cars, would they fall under the same category here?

MR. SABATINO:

Yeah. All acquisitions, lease or purchase, are covered by the statute.

LEG. TOWLE:

What about the transfer of cars, if they were forfeited to the County? Let's say through the DWI Program and we've seized an SUV and a department decided to take that car, would that also have to come before us, or would they be exempt?

MR. SABATINO:

That would be an acquisition that would be covered too.

LEG. TOWLE:

Okay. Let me ask the last question I had on this issue. Although I understand where the sponsors are trying to go with this, and I think it's, you know, probably a reasonable idea to try to get better control of our fleet, I'm concerned the bill actually won't do that. What happens if a department comes before us and buys an SUV and says they're going to use the SUV for the "ABC" division and two or three or four months into that, a department head within the department decides that they want that vehicle and has the vehicle transferred to them internally within the department, because obviously we don't monitor, you know, the vehicles ourselves, the department themselves manage their own vehicles within their department, what would prevent a department from doing that under this resolution?

MR. SABATINO:

Well, in your scenario would the person who was transferred not be performing the job title or function for which the vehicle was acquired?

LEG. TOWLE:

Let's -- I'll create a hypothetical. We buy an SUV for the "ABC" division within the Health Department, three months into, you know, the vehicle being there, the Deputy Commissioner of Health decides that they need an SUV and do their job because of bad weather and the snow and they need to be able to get into the Health Department in case of emergencies and decides to take that SUV from "ABC" division and give the "ABC" division their sedan. I mean, they would be able to do that internally within department to move vehicles around without our approval or knowledge.

MR. SABATINO:

That would be a misappropriation of County property, which would subject you to the potential

to be terminated or disciplined, for in this case that would be at a minimum misfeasances and possibly malfeasances in office.

LEG. TOWLE:

And their supposed to -- these departments, directors, Deputy Commissioners, whatever would be forced to know that they're not allowed to move vehicles within their department internally, you know, as a normal course of business. I mean, you know, having been in a department, I know you have a fleet, if someone in the fleet -- if someone in the office needs a vehicle, you provide it to them. I mean, you know, it would seem to me we have no way to know that's going to happen and there's no way to control that process unless it was brought to our attention. This bill wouldn't address that.

MR. SABATINO:

I mean, when you pass legislation, you have to assume good faith. You can't have a police officer or a National Guardsman sitting in each County department or agency looking over the shoulder of every individual who's -- who's in the workplace. But good faith is that our statutes are going to be adhered to and complied with. I would assume that the County Executive, if the bill, in fact, went into effect, would issue an SOP to get the process started. I would think that it would be relatively straightforward that you can't have an SUV if you are not a person performing the tasks for which an SUV has been approved. So if an SUV has been approved for -- just to keep it simple -- it's been approved for people that are in the field digging trenches, for example, the Deputy Commissioner or the Commissioner or the Chief Deputy County Executive or Deputy County Executive can't be using that vehicle because their job title doesn't put them in the trenches. I mean, I don't know how complicated that's going to be for the department heads, but it would seem to me that it would basically be self enforcing.

LEG. TOWLE:

How would we create the categories in which one could determine the need for an SUV? I mean, I could think of a whole host of things; I'm the Deputy Police Commissioner, I need to get into police headquarters or respond to an emergency at any point during the year and, you know, we've have bad storms here on the Island, there's a lot of off-road activity; I need an SUV, I'm the Deputy Commissioner of Public Works and we're involved in all types of -- I need an SUV, I'm the Commissioner of Fire Rescue and Emergency Services, I respond to --

MR. SABATINO:

That's simple. Because what will happen is at the beginning of the process as Legislator Binder stated and Legislator Bishop reinforced, the proposal is going to be made to the Legislature saying we need in this particular department the SUV for the following purposes, X, Y and Z. So there's going to be a description of what that X, Y and Z is. If the Deputy Commissioner's job function doesn't fall within that particular category, he's out. Or in the alternative, you may decide that the rationale or justification they give for the Deputy Commissioner doing all things you just described makes sense, in which case you'll approve the resolution authorizing somebody who does Deputy Commissioner work or Deputy Executive work to have an SUV. But that's going to be decided at the beginning of the process. Again, it will be self executing once you get passed that initial or first round of approvals.

LEG. TOWLE:

But once you put in the reasoning or the intention of the car -- the SUV that they need, how do we know if that, as I said, usage changes or their responsibilities change or the scope increases or decreases? I mean, there's no follow up. I mean, it's not like we're replacing these vehicles every year. I mean, some people have a vehicle for two three years before a new vehicle is brought into play. I mean, do they have to come back at that point again after let's say three years? Let's say the vehicle has 100,000 miles on it, we decide to decommit and the person wants another SUV, do they have to come back again to us? I mean, how do we know their duties haven't changed in those three years?

[TRANSCRIBED BY LUCIA BRAATEN-COURT STENOGRAPHER]

MR. SABATINO:

Again, it's going to be no different than any other resolution. For example, if you pass a resolution to allocate \$500,000 to do X, Y and Z, Legislators don't sit in each office or there aren't police officers sitting in each office to see if the \$500,000 is being properly allocated. But if, at the end of some period of time, you uncover that it wasn't properly used, I mean, there are serious consequences to be faced, and I think that the fear of those consequences is what makes most legislation self-executing and workable, because if you do something along the lines of what you've described, I mean, you've basically misappropriated significant County property, and, I mean, that has real consequences for people.

LEG. TOWLE:

All right. Thank you.

P.O. POSTAL:

Legislator Bishop. Legislator Bishop.

LEG. BINDER:

Bishop. Bishop, you're up.

LEG. BISHOP:

Oh. If there's one policy that over the years has proved to be a failure, it's the way that we currently acquire vehicles, which is that we have a bulk allocation, which we hand to the Executive Branch, and then trust them to purchase the proper vehicles and allocate them correctly. Now, what have we had. We've had the car leasing scandal, we had -- we have inappropriate vehicle allocations where we had sanitarians in dangerous situations, where we didn't have any vehicles at all getting to Probation Officers who desperately needed them. So this is a bill that addresses that system, and says, as Legislator Haley still --

LEG. CRECCA:

He's not here.

LEG. BISHOP:

He's not. That we're going to have a transparent policy. Now he asked what does transparent mean to me? Well, what it means to me is that you have to justify what you need and present to the Legislature what you're asking for. I don't think that there is anything in that that's ambiguous. It's very clear, from now on, the Executive Branch is to state what they intend to buy and why they want to buy it, and that's the right way to govern. You would govern your home that way, you would govern your business that way, and we certainly should govern our government that way.

MR. SABATINO:

I just thought of an analogy, because I don't think I gave a complete answer to Legislator Towle's point before. The best analogy I can think of is in 1988, when we adopted very detailed stringent restrictions with regard to the use of the County Police boat and the County Police helicopter, and a lot of the same concerns were raised at the beginning, which was how would you monitor it, but it's actually worked now for 13 or 14 years, because, again, the consequences are violating the restriction on the use of the Police boats and Police vehicles has

basically been self-enforcing and it works. So that's probably a better analysis or analogy than I gave before, because it's a comparable item, a vehicle.

P.O. POSTAL:

And I would just like to, I guess, comment that I just received from Department of Public Works a number that allegedly represents the total number of vehicles in our fleet, which is twenty-five hundred.

Legislator Foley and I, and some of us, Legislator Caracappa, who have been here for awhile, know that it's harder to get a handle on the number of vehicles in the fleet than it is to grab, I don't know what, an icecube and hold onto it in a hundred degree weather. So I don't know whether you should believe that or you shouldn't believe that. But I do know that it's not until we begin to take some authority and responsibility in this whole area of the fleet that there's anybody who's exercising any proper management, any authority, any intelligence in trying to get a handle on how many cars we have in our fleet, what kind of cars we have in our fleet, how we use them.

Our Counsel, who spoke the use of the Police helicopter and the Police boat, wasn't until we stepped up and said, "Hey, wait a minute. This is not being done right and it must be done differently," that there was any control over use of those two things, and we, as a Legislature and as a County, were, in fact, very embarrassed by a misuse of a vehicle at that time. So that I suggest that we're always afraid of usurping Executive authority, we're always afraid of micromanaging, but I'm going to tell you right now that nobody is managing. So, if we don't do it, then it's just not going to be done.

The figure I was given for the fleet is twenty-five hundred cars, vehicles. Now, again, those of us who have been here a long time, who have tried to get a handle on how many vehicles we have in this fleet, have found it an absolute impossibility. For years, and years, and years, we haven't been able to figure out how many vehicles we have in the fleet and that's disgraceful, because we're the elected officials who have a fiduciary responsibility to this County. We adopt a budget, we're supposed to see that it's used properly. I don't know how we can do that if we're not given the proper information, so this is the least we can do. This is a step in the right direction, because it's a step in exercising some kind of management to make determinations over the use of County money and County resources. That's all I have to say. George?

LEG. GULDI:

Yeah, a brief comment. And the first thing, regrettably, because I don't agree with the definitional section and the way it's structured, and I think it's going to create a morass, so, for that reason, I'll be withdrawing as a cosponsor. However, I will be still supporting the bill, because I still think that the goal of getting a handle on management of acquisition of vehicles and their assignments is one that we need to grapple with. I am not comfortable with the reliance on the generally published maintenance and operating cost data, since there are so many divergent sources of it, but I still will be supporting the bill, because I support its goals, though not necessarily its final crafting.

LEG. LINDSAY:

Move the question

P.O. POSTAL:

Okay. We have -- I believe we have a motion and a second to approve?

MR. BARTON:

Yes.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Abstain.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. HALEY:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CARPENTER:

Henry, change my vote to a yes.

MR. BARTON:

14 - 3, and 1 abstention.

P.O. POSTAL:

1135 is approved. **1279 - Authorizing acquisition of land under the new Suffolk County Drinking Water Protection Program, which is the Duke --**

LEG. GULDI:

Can we speak over this? Mr. Isles is enroute.

P.O. POSTAL:

Certainly. And, actually, then there's a procedural motion.

LEG. GULDI:

Procedural motion for same application.

P.O. POSTAL:

Okay. Before we move on to the Introductory resolutions, we have a 5:00 executive session scheduled.

LEG. FOLEY:

For the purposes of what?

P.O. POSTAL:

For the purposes of --

LEG. CARACCILOLO:

Litigation.

MR. SABATINO:

It should be a motion to --

P.O. POSTAL:

Actually, litigation having to do with the pharmaceuticals?

MR. SABATINO:

Exactly. It should just be a motion to go into executive session for the purposes of discussing the pharmaceutical litigation, and approving the presence of Special Counsel, Joanne Cicala, Budget Review, and myself.

P.O. POSTAL:

And -- okay. I'm making that motion, Legislator Fields is making the second. All in favor? Opposed? We are now --

MR. BARTON:

18.

P.O. POSTAL:

-- in executive session. I'd ask everybody who hasn't been authorized to be present to leave. I

would ask that all microphones be turned off.

[EXECUTIVE SESSION WAS HELD FROM 5:00 P.M. TO 5:20 P.M.]

D.P.O. CARACAPPA:

Okay. Motion to go back into full session, second by Legislator Caracciolo. We're back.

LEG. TONNA:

George, you're going to make a motion and I'm going to second it?

LEG. GULDI:

Yeah, yeah. If I can -- may, Mr. Chair.

LEG. CARACAPPA:

I recognize Legislator Guldi.

LEG. GULDI:

I'd like to make a motion to authorize and approve the firm of Kirby, McInerney & Squire, LLP, to act as counsel for Westchester County and Rockland County as plaintiffs in separate litigations of a similar nature to that in which they represent us, Suffolk County.

LEG. TONNA:

I'll second that.

LEG. CARACCIOLO:

Second.

MR. SABATINO:

Regarding Medicaid pharmaceutical litigation.

LEG. TONNA:

Cool, right.

LEG. GULDI:

That's the only -- that's the only matter they represent us in so --

LEG. TONNA:

Right. And I second that.

LEG. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. TONNA:

Great.

LEG. BINDER:

There's 11.

LEG. TONNA:

It's 11 Henry.

D.P.O. CARACAPPA:

Motion is approved.

LEG. BINDER:

No, 12.

LEG. CARPENTER:

Let's whip through this agenda now.

LEG. CARACAPPA:

Okay. Let's go right to Environment, Land Acquisition and Planning. Here comes the Presiding Officer.

LEG. GULDI:

Is Tom Isles in the building yet?

MS. BURKHARDT:

Not yet.

D.P.O. CARACAPPA:

We have not see him. We're ready to go.

P.O. POSTAL:

Thank you. Thank you.

MR. BARTON:

The vote on Procedural 5, I guess, Paul, is that what we're -- what George just did, we're going to call Procedural Motion 5?

MR. SABATINO:

Yes, we'll give it the next number, and then if we can just forward it to the law firm, so they'll have the authorization in place, that would be fine.

MR. BARTON:

The vote is --

P.O. POSTAL:

Okay. We're going to skip --

MR. BARTON:

15, 3 not present. (Not Present: P.O. Postal, Legs. Towle and Fields)

P.O. POSTAL:

Okay. We are going to be very selective with the Introductory Resolutions in ELAP on Page 9 until Tom Isles gets here and --

LEG. BINDER:

Just go to the next section and then come back.

P.O. POSTAL:

All right.

LEG. CARPENTER:

Go to Ways and Means.

P.O. POSTAL:

We'll skip right over and go to Ways and Means on Page 10.

LEG. TONNA:

Henry I'm right behind you.

P.O. POSTAL:

Okay. 2252 - To authorize and empower -- you know, just let me -- before we do this, I was talking to Lance, and Lance told me he has the accurate numbers on the fleet. So I thought it would just be interesting for our information. Lance, could you give us that information and then we'll go to the agenda.

MR. REINHEIMER:

Okay. We got these numbers from the data base that Public Works gave us. The number that you had given before for the total fleet --

P.O. POSTAL:

Twenty-five hundred.

MR. REINHEIMER:

Right. I have -- we have twenty-five-o-seven. So there's twenty-five hundred in the neighborhood. These numbers don't add up to twenty-five hundred, they added up to twenty-four-seventy, but there are vehicles being decommissioned. It's fluid.

P.O. POSTAL:

It's close.

MR. REINHEIMER:

So here's the breakdown. As I said before, there's 119 SUVs, 521 trucks, 1,284 cars, 153 vans, and then there's 393 other special use vehicles.

P.O. POSTAL:

Does that include public safety vehicles?

MR. REINHEIMER:

Yes, that includes the whole fleet of twenty-five hundred, yes.

P.O. POSTAL:

It's remarkable. That's such -- so close. They gave us such a close number, I'm just overwhelmed. Thank you. He has some breakdown on it.

WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE

Okay. We're moving to Page 10, Ways and Means. **2252 - To authorize and empower the audit of the Suffolk County Pharmacy Benefits Manager.** David Bishop, where are you? We'll -- okay. Well, let's move on, we'll come back.

1225 - A Local Law to authorize County registry for domestic partners.

I'm going to make a motion to approve. Is there a second?

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

All right, second.

LEG. CARACCILO:

Roll call.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk).

P.O. POSTAL:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCILO:

No.

LEG. GULDI:

Yes, cosponsor.

LEG. TOWLE:

Pass.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Abstain.

LEG. NOWICK:

I'm sorry, I had the wrong bill.

MR. BARTON:

You want to change your vote?

LEG. NOWICK:

Yes.

P.O. POSTAL:

Okay. Motion to table.

LEG. GULDI:

Second.

LEG. CRECCA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. GULDI:

Yes.

LEG. LINDSAY:

Is this on the tabling motion?

MR. BARTON:

This is to table.

LEG. CARACCILO:

No, to table.

LEG. TOWLE:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Table? Yes, yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Pass.

MR. BARTON:

What did she say?

LEG. CRECCA:

She said pass.

MR. BARTON:

Pass, okay.

LEG. CRECCA:

No.

LEG. NOWICK:

Is this to table?

P.O. POSTAL:

Yes.

LEG. NOWICK:

Yes.

P.O. POSTAL:

That's not her vote, that's my answer.

LEG. BISHOP:

This is to table? Yes.

LEG. BINDER:

No.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Abstain.

LEG. CARPENTER:

Yes.

MR. BARTON:

11.

P.O. POSTAL:

Okay. **2252.** Legislator Bishop, we are waiting for your motion on 2252.

LEG. BISHOP:

Let's table it for one meeting.

P.O. POSTAL:

Okay. Motion to table. Second?

LEG. CARACAPPA:

On the motion.

P.O. POSTAL:

Well, let's get a second --

LEG. ALDEN:

Second.

P.O. POSTAL:

-- by Legislator Foley.

LEG. FOLEY:

Second on?

P.O. POSTAL:

On 2252.

LEG. FOLEY:

To table?

P.O. POSTAL:

To table.

LEG. FOLEY:

Yes, second to table.

P.O. POSTAL:

Okay. Legislator Caracappa.

D.P.O. CARACAPPA:

Legislator Bishop, this is -- this is the -- or Legislator Tonna would know, this is the agency that handles all of our prescription --

LEG. BISHOP:

Yeah, it's not about the --

D.P.O. CARACAPPA:

What's the name of the group again that does our prescription benefits?

LEG. GULDI:

It's on the back of your card in your wallet.

D.P.O. CARACAPPA:

Yeah, I know, but --

LEG. BISHOP:

Yeah, it's on the back of the card. It's called the --

LEG. GULDI:

NPC.

LEG. CARACAPPA:

Yeah, NPC, that's it.

LEG. TONNA:

NPA.

LEG. BISHOP:

NPA.

D.P.O. CARACAPPA:

NPA, NPA.

LEG. BISHOP:

NPA is a PBM, and a PBM is a pharmacy benefit manager. And nationally --

LEG. CARACAPPA:

So this would be audit NPA.

LEG. BISHOP:

Right.

D.P.O. CARACAPPA:

Very good.

LEG. BISHOP:

Because the issue is nationally, many of the PBM's illegally skim from the savings that they negotiate. They are the middleman between the employee, the employee users and the pharmaceutical manufacturers, and they will negotiate discounts from the pharmaceutical manufacturers and not pass it along to their clients. That would be us in this case. That's a national problem. And the purpose of this is to find out whether it's occurring here in Suffolk County. Now, what has occurred is that the -- what do we call that organization, the Benefits --

LEG. FOLEY:

Benefits Fund?

LEG. BISHOP:

Fund.

LEG. FOLEY:

Yeah, right.

LEG. BISHOP:

Right. The Benefits Fund Board of Directors has authorized --

LEG. TONNA:

EMPH.

LEG. BISHOP:

EMPH has authorized -- thank you.

LEG. TONNA:

Is that a conflict, that I knew that one?

LEG. FOLEY:

It's only what you do with it.

LEG. BISHOP:

Has authorized an audit like this. Unfortunately, the firm they selected, questions have been raised to me about the firm they selected for the audit, because they have testified in federal lawsuits in favor of PBM's and the practice of skimming, saying that it's an accepted practice in

the industry and it's not to -- you know, nothing to worry about. That didn't seem like the right kind of auditor. I raised it to the EMHP Committee. They said they would get me a statement from the auditors selected that would assuage my concerns. I've now waited three months and I haven't received it, so I moved it to this point, but I'm going to table it on the floor.

D.P.O. CARACAPPA:

Okay. Thank you very much.

LEG. BISHOP:

That's exhaustive. I'm sure that's more than you want to know, but --

LEG. TONNA:

So we're tabling this?

LEG. BISHOP:

Thank you.

D.P.O. CARACAPPA:

I appreciate it.

LEG. HALEY:

Yes.

P.O. POSTAL:

Okay. So we have a motion to table.

LEG. HALEY:

Second.

P.O. POSTAL:

Is there a second?

LEG. HALEY:

Second.

MR. BARTON:

Yes.

P.O. POSTAL:

There's a second. All in favor? Opposed? 2252 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

2235 - A Charter Law to reform membership of Suffolk County Ethics Commission.

Assigned -- approved 4-2-1. Motion

LEG. CARACAPPA:

Explanation.

LEG. GULDI:

Oh, for the explanation, the --

P.O. POSTAL:

Well, let's -- can we have a motion and a second first and then we'll get to an explanation?

LEG. GULDI:

I haven't decided what my motion's going to be.

LEG. TONNA:

Well, then it lacks -- dies for lack of motion.

LEG. GULDI:

I'll make a motion to table, and the reason being that the --

LEG. TONNA:

I'll second it.

LEG. GULDI:

The Ethics Commission, while they've opined on pending legislation in the past, haven't opined on this legislation, which expands its membership to seven, and requires it to comply with our past resolutions, that it use an independent staff, as it has no independent staff and it has no independent counsel. Actually, the reason for the legislation was because the Town of Southampton, in recodifying its ethics code, pursuant to the State Commission on Ethics, wanted to use our Commission as the Appellate level from -- activities before its Ethic Board. At a casual glance, our Ethics Board, because of the lack of an independent staff, and because of its narrow membership, didn't meet the minimum requirements under the {FERIC} Commission report. This is an effort to do that. I expected to hear from at least someone on the County Executive or on behalf of the Commission. It's been pending for months in committee, I've not heard a whisper. So I'll table it for one cycle.

LEG. CARACAPPA:

Second.

LEG. GULDI:

But, frankly, if they continue to stand mute, I'll be moving it at our next session for the reasons articulated.

P.O. POSTAL:

I think you've satisfied their curiosity.

LEG. GULDI:

Sure.

P.O. POSTAL:

So we have a motion and a second to table. I think so. All in favor?

LEG. CRECCA:

I'm sorry, I didn't hear what the --

P.O. POSTAL:

Don't you dare.

LEG. CRECCA:

A motion and a second to table?

P.O. POSTAL:

Table. Oh, I thought you wanted to hear George's explanation again.

LEG. GULDI:

Yeah, I have a lot more to say.

LEG. ALDEN:

George made a motion to table.

LEG. CRECCA:

Okay, that's fine. That's fine.

P.O. POSTAL:

It's a motion and second to table. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Okay. 1235 is tabled. **1291 - Rescinding authorization to sell County-owned property pursuant to Local Law 16 to Victor E. Pavelko, as surviving tenant by joint tenancy.**

Approved 7-0. Motion by Legislator Guldi, seconded by --

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

-- Legislator Fisher. All in favor?

LEG. LINDSAY:

Explanation, explanation.

P.O. POSTAL:

Okay. Explanation, Mr. --

LEG. GULDI:

Yeah, this one needs an explanation, because it -- and the reasons we didn't put it on the Consent Calendar is there's no one from Real Estate Division here. Mr. Pavelko's property has -- is a condo. It has been for years in arrears on its real property taxes, but it is also for years in arrears on its condo charges. The --

LEG. VILORIA-FISHER:

Common charges, rather.

LEG. GULDI:

Mr. Pavelko continues in it as a -- it's the intent to permit him to continue in it a tenant, but it's necessary for us to take the deed pursuant to our tax lien to cut off the condo charge lien, since they had commenced an action. It's an unfortunate situation that one of those irresolvable situations where the individual owner could end up at very extreme expense to the County and in one of our welfare hotels instead of remaining in his premises, and it's one of the things that we should attempt to find a systematic remedy for. But I wanted to leave it on the record, because it is an extraordinary situation in terms of taking the prior rescission -- rescinding his authorization to redeem the taxes of years ago. He has for years been unable to pay the taxes on the prior taking. It's an unfortunate situation.

LEG. LINDSAY:

So what are we going to do with it?

LEG. GULDI:

I think that, as a practical matter, if we fail to exercise our taking of the title, the condo association will take the unit pursuant to its lien, pay the taxes, and put Mr. Pavelko on the street.

P.O. POSTAL:

All right. We have a motion and a second, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1291 is approved. **1306 - Authorizing certain technical corrections to adopted Resolution Number 1189-2002.**

LEG. HALEY:

Motion.

P.O. POSTAL:

Motion by Legislator Haley.

MR. SABATINO:

No, wait, Madam Chair. On 1306 and 1307, the reason that they're not on the Consent Calendar is because both of them were converting State grant funding for farmland development rights into serial bonds. I just checked the list and we don't have the serial bond resolution, so you're going to table both for the bonds to catch up.

P.O. POSTAL:

All right. Motion to table --

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

-- 1306, seconded by Legislator Caracciolo. All in favor? Opposed? 1306 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1307, same motion, same second, same vote.

MR. BARTON:

18.

P.O. POSTAL:

1307 is tabled. **1317 (Authorizing use of Long Island Maritime Museum in West Sayville County Park property by the Cystic Fibrosis Foundation for "Run for Cystic Fibrosis" Fundraiser).**

LEG. FOLEY:

Motion.

P.O. POSTAL:

Motion Legislator Foley.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Fields. Approved out of committee 7-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1317 is approved. **1318** --

LEG. VILORIA-FISHER:

Motion.

P.O. POSTAL:

-- **amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Civil Service/Human Resources.**

LEG. HALEY:

Second.

P.O. POSTAL:

Approved 7-0. Motion by Legislator Fisher, seconded by Legislator Haley. All in favor?
Opposed?

LEG. CARACAPPA:

On the motion.

P.O. POSTAL:

On the motion, Legislator Caracappa.

D.P.O. CARACAPPA:

This was based on a desk audit?

LEG. VILORIA-FISHER:

Yes.

LEG. CARACAPPA:

I just want to ask all the regular questions. The old position is being abolished under the Levy Rule -- Levy Law?

LEG. VILORIA-FISHER:

I believe so.

LEG. CARACAPPA:

This was done based on desk audit, and the other position that did exist is being abolished.

MR. SABATINO:

Yeah, the other position is being abolished in accordance with the Levy Law, so you're not --

LEG. CARACAPPA:

Thank you.

MR. BARTON:

18.

P.O. POSTAL:

Okay. We have a motion and a second. All in favor? Opposed? Oh, I'm sorry. No?

MR. BARTON:

18.

P.O. POSTAL:

1318 is approved. 1319 - Authorizing the use of Gardiner County Park property --

LEG. CARPENTER:

Could you pass over that, please?

P.O. POSTAL:

Okay.

LEG. CARPENTER:

I need to check something.

P.O. POSTAL:

1349 - Authorizing the sale of surplus County cars to the Hauppauge School District.

Approved 7-0.

LEG. HALEY:

On the motion.

LEG. CARACCILO:

On the motion.

P.O. POSTAL:

Well, let's take a motion by Legislator Crecca. Is that to approve?

LEG. CARACCILO:

I'll second the motion, Madam Chair. I'll second it.

P.O. POSTAL:

Seconded by Legislator Caracciolo.

LEG. HALEY:

Yeah, that's what I want to know, is there any issue --

P.O. POSTAL:

On the motion, Legislator Haley.

LEG. HALEY:

Forget it. Forgot it.

LEG. CRECCA:

It's a lot of money, a lot of money.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILO:

Yeah. I think it's relative that when we have these resolutions where we're donating -- not donating, but we're selling surplus vehicles, that either Budget Review, or the Clerk, or someone, or the sponsor identify the make, model, year of the vehicle and the mileage.

LEG. GULDI:

It's in the resolution.

LEG. CARACCILO:

I know it's in the resolution, George --

LEG. VILORIA-FISHER:

It's in the resolution.

LEG. CARACCILO:

-- but not everybody has it and we want it in the record.

LEG. VILORIA-FISHER:

They should, everybody gets it.

P.O. POSTAL:

Can we -- Mr. Clerk, can we get a copy of that information that is provided to us when --

LEG. CARACCILO:

It's part of the backup, it's in the bill.

P.O. POSTAL:

That's what I thought.

LEG. CARACCILO:

Yeah, I --

D.P.O. CARACAPPA:

He just wants it read into the record.

LEG. CRECCA:

It's two thousand and --

P.O. POSTAL:

I'm sorry, you want it read into the record. Certainly.

LEG. CRECCA:

It's a 2002 Chrysler Sebring. It's white and --

D.P.O. CARACAPPA:

A convertible.

LEG. CARACCILOLO:

It's a 1994 Ford with 95 -- 96,000 miles, and a 1995 Ford pickup with 102,000 miles, both for \$200 each.

P.O. POSTAL:

Right. And I will just comment that we're kind of I think being consistent with the cost of vehicles that we're transferring, probably because the suggested cost was so out of line in comparison to the mileage on those vehicles that I think we kind of settled on that price of \$200, and that's what we've been charging for each of these cars. So, let's see. On the motion, Legislator Alden and Legislator Caracappa?

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

No? Legislator Alden.

LEG. ALDEN:

Just in a little bit of furtherance of Legislator Caracciolo's inquiry before, do we keep track of how much these things have appraised for and how much we're actually giving away? Do we have a running total on that? I guess that would be addressed to Lance.

MR. REINHEIMER:

Not that I'm aware of, no. I mean, there's a procedure for decommissioning vehicles and Public Works, I'm sure, has records on vehicles decommissioned, but we don't have that.

LEG. ALDEN:

But all the vehicles get assigned a value, and then, basically, we are sometimes changing the value when we sell it for -- say if we sell something for \$200 that was originally valued at three or four or \$5,000 or \$500, but we don't keep a running total?

MR. BARTON:

We've never been asked to keep a running total, but I do have copies of all of the auction list, so

it wouldn't be that difficult to compile it.

LEG. ALDEN:

Or I could get it from the Comptroller, too, right?

MR. BARTON:

Yeah.

LEG. ALDEN:

They would have it. Okay.

MR. BARTON:

Sure.

LEG. ALDEN:

Thanks.

P.O. POSTAL:

Okay. 1319 - Authorizing the use of Gardiner County Park by the -- was this the one we were skipping over? No.

LEG. GULDI:

That's the one we're skipping over. Call the question on 1349.

P.O. POSTAL:

Oh, I'm sorry, I apologize. That was --

MR. BARTON:

1349.

P.O. POSTAL:

Let's see, 1349. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Okay. 1357 - Directing -- are we ready on 1319 or are we not?

LEG. CARPENTER:

Oh, motion to table **1319**.

LEG. COOPER:

Second.

P.O. POSTAL:

Okay. Motion to table 1319, seconded by Legislator Towle. All in favor? 1319 --

LEG. VILORIA-FISHER:

Why?

LEG. FOLEY:

The sponsor has asked to.

MR. BARTON:

18.

LEG. VILORIA-FISHER:

Okay.

P.O. POSTAL:

It's tabled.

LEG. FIELDS:

She's not the sponsor.

LEG. FOLEY:

No, she's in her district.

LEG. FIELDS:

Yeah.

P.O. POSTAL:

1357 - Directing the Office of Budget Review to audit Legislative vehicles.

LEG. CARACCILOLO:

Madam Chair.

P.O. POSTAL:

Yes, Legislator Caracciolo.

LEG. CARACCILOLO:

I was contacted by your office last Friday about an attempt to possibly provide this information administratively. I indicated, if it could be done in short order, and we have BRO here now, they could put on the record how long it would take them to do this, I would consider tabling this resolution and provided they could do it administratively and quicky. So, Lance, the question is how long -- when could we expect an audit report of the Legislative fleet?

MR. REINHEIMER:

We should have this information or we do have this information in-house and we just have to review the W-2 report, which puts -- reports everyone's vehicle usage, and we should have this within the next ten days.

LEG. CARACCILOLO:

Okay. The intent behind the resolution is to identify if there are any --

P.O. POSTAL:

Can we have some order, please?

LEG. CARACCILOLO:

If there are any vehicles in the Legislative fleet that are not in conformance with the fleet report that the Budget Review Office completed September 29th, 1999, the fleet analysis. So that's the criteria, the objective criteria I'm looking for. As I recall in that report, justification for useful time of a County vehicle was somewhere in the area of 12,000 miles. Are we using the right criteria for you to review, or are there other criteria we should considering?

MR. REINHEIMER:

No. That's our last report and that's the criteria that we would use --

LEG. CARACCILO:

Thank you.

MR. REINHEIMER:

-- twelve thousand miles.

LEG. CARACCILO:

Okay. I'll make a motion to table one cycle.

P.O. POSTAL:

Thank you. I'll second that. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1357 is tabled. Thank you, Legislator Caracciolo. **1358 - Authorizing transfer of surplus County motorized wheelchair to Maryhaven Center of Hope.**

LEG. VILORIA-FISHER:

Motion to approve.

P.O. POSTAL:

Motion by Legislator Fisher.

LEG. TONNA:

Second.

P.O. POSTAL:

Seconded by --

LEG. TONNA:

Second.

P.O. POSTAL:

Legislator Tonna. All in favor? Opposed? 1358 is approved.

MR. BARTON:

18.

P.O. POSTAL:

1394 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the acquisition of Fiber Cabling Network and systems upgrades. This was discharged without recommendation from Ways and Means 6-0-0-1. Is there a motion?

LEG. HALEY:

Motion.

P.O. POSTAL:

Motion, Legislator Haley, seconded by --

LEG. CARACAPPA:

On the motion.

P.O. POSTAL:

I need a second.

LEG. TONNA:

I'll second.

LEG. CRECCA:

Second.

P.O. POSTAL:

Second by Legislator Crecca.

LEG. GULDI:

On the motion.

P.O. POSTAL:

Legislator Caracappa, on the motion.

LEG. CARACAPPA:

What's the offset, Budget Review?

MR. REINHEIMER:

This isn't an offset. It changes the funding from transfer from the General Fund to serial bonds.

D.P.O. CARACAPPA:

Okay.

LEG. VILORIA-FISHER:

Okay.

LEG. CARACAPPA:

It needs a super-majority vote, right, to change the method of financing, 12 votes?

MR. SABATINO:

Three-quarters vote to change the method of financing. Three-quarters vote.

LEG. GULDI:

Yeah. And on the motion, if I may.

LEG. VILORIA-FISHER:

Yes.

LEG. FIELDS:

Was this about BAN's versus bonds?

LEG. VILORIA-FISHER:

Yes.

P.O. POSTAL:

You can ask him. And why don't you ask on the record, Legislator Fields.

LEG. VILORIA-FISHER:

We were waiting --

LEG. GULDI:

On the motion.

LEG. VILORIA-FISHER:

-- to be recognized.

MR. SABATINO:

This was discharged by recommendation, because the issue of BAN's was raised for the first time on this bill. Then the whole series of other bills flow from the same analysis.

LEG. GULDI:

Right.

P.O. POSTAL:

Okay. So we have a motion to --

MR. BARTON:

Approve.

P.O. POSTAL:

-- approve, and a second?

MR. BARTON:

Yes.

LEG. VILORIA-FISHER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Fisher.

LEG. VILORIA-FISHER:

Has the County Executive's Office distributed the letter that they said they would provide from the -- hello? County Executive's Office, do you have the letter that you were going to distribute regarding this issue?

LEG. GULDI:

Yeah, there's been discussions about an additional letter.

P.O. POSTAL:

Do we have an answer from the County Executive's Office?

LEG. HALEY:

Let's pass over, Madam Chair.

P.O. POSTAL:

We'll come back.

LEG. LINDSAY:

It's in the backup, there's a letter.

LEG. FOLEY:

Backup.

P.O. POSTAL:

Okay.

LEG. LINDSAY:

In the backup.

LEG. FOLEY:

Last page.

LEG. CRECCA:

Madam Chair.

P.O. POSTAL:

We -- yes, Legislator Crecca.

LEG. CRECCA:

Yeah, I'm sorry. I just noticed that Tom Isles is here. I know we skipped over the Environment. I would just --

LEG. BISHOP:

We're almost done with Ways and Means.

LEG. CARPENTER:

Let's finish this.

P.O. POSTAL:

What is that?

LEG. CRECCA:

I'm sorry. I thought we were done with Ways and Means. I apologize.

P.O. POSTAL:

No, we're not. Let's see. We were --

LEG. VILORIA-FISHER:

Madam Chair.

P.O. POSTAL:

Yes.

LEG. VILORIA-FISHER:

If we could just pass this over, because during the lunch break, the County Executive's Office had indicated to me that they would provide a letter from Bond Counsel regarding this issue.

P.O. POSTAL:

And this is 1394 we're talking about?

LEG. VILORIA-FISHER:

1394 and other -- other resolutions that we discharged without recommendation pending --

P.O. POSTAL:

Okay.

LEG. VILORIA-FISHER:

-- this written notification.

LEG. ALDEN:

There you go.

P.O. POSTAL:

Okay. Let's -- do we have a response for the County Executive's Office?

MR. KNAPPE:

Good afternoon.

P.O. POSTAL:

Good afternoon.

MR. KNAPPE:

Todd Johnson from the County Executive's Office is in the back right now making copies of a letter that we received from Bond Counsel this afternoon upon the request of the Legislature. The moment he comes out with those photocopies we'll distribute it to the body and, hopefully, resolve the issue.

LEG. BISHOP:

What does it say?

P.O. POSTAL:

Okay.

MR. KNAPPE:

I haven't read it yet, but --

P.O. POSTAL:

You know what, let's just move to the next resolution, and as soon as he --

LEG. GULDI:

Miss Presiding Officer.

P.O. POSTAL:

Yes.

LEG. GULDI:

I notice that Tom Isles from Planning is here. Why don't we go back and do the portion of the agenda we skipped previously --

P.O. POSTAL:

Okay.

LEG. GULDI:

-- since we're ready.

P.O. POSTAL:

Well --

LEG. CRECCA:

That's a good idea, George.

LEG. GULDI:

Well, unless Todd's burned up the photocopier. You ready?

P.O. POSTAL:

All right. Let's just finish this last resolution on Ways and Means, which is **1407 - amending the adopted 2003 Capital Budget and Program and appropriating (funds in connection with parking at the Second District Court) --**

LEG. GULDI:

Same issue on the bond.

LEG. VILORIA-FISHER:

Same issue

P.O. POSTAL:

Same issue?

LEG. GULDI:

It's the same issue on the bond.

P.O. POSTAL:

Okay. Mr. Sabatino, is this the same issue?

MR. SABATINO:

No, this is not a BAN. 1407 is not a BAN issue; okay? The BAN issue is where we're doing the conversion of funding five years or less.

LEG. FOLEY:

All right. Let's move on 1407.

LEG. CRECCA:

Motion to approve 1407. Or, David, do you want to do it?

P.O. POSTAL:

We have a motion by Legislator Crecca, second by Legislator Foley?

LEG. FOLEY:

Yep.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk).

LEG. CRECCA:

Yeah.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. CARACCILO:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Okay. Same motion, same vote -- same second, same vote. Okay. We're going to go back to **Environment, Land Acquisition and Planning.**

LEG. TONNA:

I make a motion to approve.

P.O. POSTAL:

Now, that --

LEG. TONNA:

No.

MR. SABATINO:

Page 8.

P.O. POSTAL:

Well, yeah. Okay. Let's go back just one page to -- there was a resolution that we skipped over on Page 8.

LEG. GULDI:

I'll make a motion to approve Procedural Motion 4, which has to be done first before we can entertain --

LEG. CARACCIOLO:

Second.

LEG. GULDI:

-- the substantive resolution.

P.O. POSTAL:

Okay. Motion to approve **Procedural Motion 4** by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. POSTAL:

Opposed -- this is on Page 8.

LEG. HALEY:

Opposed.

MR. SABATINO:

This requires 12 votes.

P.O. POSTAL:

And this requires 12 votes. This is a procedural motion authorizing acquisition of Duke Property.

LEG. BISHOP:

You know, can I make a --

LEG. ALDEN:

Roll call.

LEG. BISHOP:

Okay, go ahead.

LEG. TONNA:

Roll call.

LEG. ALDEN:

Roll call.

P.O. POSTAL:

Okay, roll call. We have a motion and a second.

LEG. ALDEN:

Roll call.

LEG. HALEY:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. HALEY:

Abstain.

MR. BARTON:

16-1 and 1 abstention.

LEG. CARACCIOLO:

Motion to approve **1279 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (Duke Property - Town of East Hampton)).**

P.O. POSTAL:

Motion by Legislator Caracciolo, seconded by Legislator Guldi.

LEG. CARACCIOLO:

On the motion, Madam Chair.

P.O. POSTAL:

On the motion.

LEG. CARACCILOLO:

First, let me point out or just remind the body that Tom Isles has arrived. And, Tom, I want to thank you, on such short notice driving all the way out from Hauppauge.

Mr. Isles was not incorrect when he stated at a previous committee and Legislative meeting that this property ranks number one of all County acquisitions over the many years that the County has been in the process of preserving land. I believe, if my recollection's right, Tom said it was 85 points out of 100.

I had the opportunity last week, and I want to thank Legislator -- Legislator. I'm sorry. Supervisor Jay Schneiderman for extending an invitation to come out and look at both Duke and Shadmoor, and I promised him, as I did this morning, I wouldn't go back to Shadmoor and digress. But with respect to this acquisition, it lives up to the point rating it has received from our Planning Department. However, I still had some reservations, and I had requested in the dialogue we had on the way back to Town Hall, that if he would consider making some adjustments, first with respect to price and pick up the additional value of the appraised value, about \$400,000 --

LEG. FIELDS:

I can't hear you.

LEG. BISHOP:

You're not speaking into the mike.

LEG. CARACCILOLO:

Yes, I am, Dave.

LEG. FIELDS:

No, you're talking over there.

LEG. CARACCILO:

Second, that while he has stated on many occasions that the Shadmoor acquisition and this acquisition would provide public access, I maintain that while that may be true, when I went to Shadmoor, I didn't feel there was really as much public access accessibility as one would like.

So I'm glad we went to Shadmoor first, because when we got to Duke, the suggestions I made, he not only accepted on his own behalf, but he took it back to his Town Board, and this morning the Town Board did approve a Town Board resolution, which is here somewhere, I'm sure he has -- oh, here it is. It's Resolution 624, dated today, and it indicates the following: "Whereas; the Town, in conjunction with Suffolk County, recognizes the suitability of this property for mutually acceptable passive recreational purposes," and he identified, which I thought was important, so there'd be no confusion in the future as to what this property may or may not be used for. And the categories that they have agreed to permit public access on a property would be for fishing, hiking, and a nature study, as well as kayaking, and I think that's important.

This property sits on a beautiful body of water, Three Mile Harbor, which you could look across on a clear day and see Sammy's Beach. It's probably one of the most pristine portions of this County at this late date in its history. So this will be an excellent place for people of all ages from all over, not only County residents, to go out and enjoy one of the last large remaining open spaces and pristine water bodies in this County. So for all of the aforementioned reasons, I will now support this resolution. Thank you.

P.O. POSTAL:

So we have --

LEG. CARACCILO:

I want to thank, by the way, just in closing the Town Board. While he agreed to the stipulations I put forth, I want to thank each and every one of them and the residents of East Hampton, who will be footing the bill of some 6 million dollars. Thank you.

P.O. POSTAL:

Okay. So we have a motion and a second, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

Okay. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. VILORIA-FISHER:

We need a roll call, don't we?

LEG. GULDI:

No, you don't.

P.O. POSTAL:

No, it's not a bond.

LEG. ALDEN:

Roll call.

P.O. POSTAL:

Okay. There's been a roll call requested.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17-1.

P.O. POSTAL:

1217 is approved.

LEG. TONNA:

I make a motion to approve the next -- I think 1228.

LEG. COOPER:

Second the motion.

LEG. BISHOP:

Paumanok?

LEG. VILORIA-FISHER:

Wait. What number are you on?

LEG. TONNA:

1228.

LEG. CARACCILO:

Congratulations.

MR. SCHNEIDERMAN:

Thank you.

P.O. POSTAL:

Okay. There's been a motion and a second to approve **1228 (Appropriating 1/4% sales tax proceeds for pay-as-you-go open space acquisition of Camelot/Paumanok Wetlands property, Town of Huntington).**

LEG. ALDEN:

On the motion.

P.O. POSTAL:

Wait, wait, wait. Could we please have a little restraint? We're moving very nicely. Top of Page 9, we have a motion and a second to approve 1228, which was approved out of committee 5-1. Henry.

LEG. TONNA:

On the motion. I just --

P.O. POSTAL:

Do you have the maker and the -- make of the motion, maker --

MR. BARTON:

No.

P.O. POSTAL:

Okay. Motion I think was Legislator Tonna. The second --

LEG. TONNA:

Just on the motion.

P.O. POSTAL:

Wait, wait, wait. Do you have the second? Who seconded the bill?
Otherwise, we'll just --

LEG. TONNA:

Legislator Cooper.

P.O. POSTAL:

Okay.

LEG. CARACCILOLO:

On the motion.

P.O. POSTAL:

Okay. Legislator Cooper. Okay. On the motion, Legislator Alden.

LEG. TONNA:

And then --

P.O. POSTAL:

And let -- okay. After Alden.

LEG. TONNA:

Yeah.

LEG. CARACCILOLO:

Madam Chair, put me on the list, please.

P.O. POSTAL:

Okay. Tonna, Alden, Caracciolo.

LEG. ALDEN:

Just for the record, if somebody could go through this and just say what the appraised value was and what the purchase price is, things like that.

LEG. TONNA:

Yeah, I think that needs to be clarified, because there was differences on documents than what -- Mr. Isles.

LEG. ALDEN:

Hi, Tom.

MR. ISLES:

Hi, Cameron.

LEG. ALDEN:

I'm asking just if somebody could go through this and just give us what the appraised values were and then what the purchase price is, and what it ranked, you know, the whole thing, what it ranked and all that.

MR. ISLES:

Okay. And this is on the Camelot parcel, Mr. Alden.

LEG. ALDEN:

Yes.

MR. ISLES:

Yes, okay. Thank you. Okay. To give you a brief recap of this property, it's property that's located in the Town of Huntington. It's known as the Camelot/Paumanok Wetlands parcel. It is a parcel that was originally approved for acquisition in partnership with the Town of Huntington back in the Year 2000. Since that time, the Division of Real Estate has been active in pursuing the property in terms of getting appraisals and so forth.

In answer to your first question, what are the appraised values for the property and so forth, the County commissioned an appraisal for this property that was actually done in 2000. That appraisal was done by the company known as Perkins. It was an appraiser from the County's list. The appraised value at that time was established at 4.1 to 4.2 million dollars. That appraisal was subject to review by County in-house staff, which approved and certified the value up to 4.2 million dollars.

LEG. ALDEN:

4.2.

MR. ISLES:

4.2 million, yes. The second appraisal was commissioned by the Town of Huntington in accordance with the provisions of the County's Partnership Program. The Town can do that if it's an appraiser from our list. That was done and that was completed on November 25th of '01,

2001, and submitted to the County for review. That appraisal came in at 3 million dollars.

LEG. ALDEN:

Three?

MR. ISLES:

Three million, three even, 3 million dollars. So the mean then of the two numbers, of the 4.2 million as being the higher of the range provided by the first appraiser hired by the County, and the second appraisal hired by the Town of Huntington comes to 3.6 million dollars.

In terms of the more environmental aspects of the property, the Environment Committee has requested that we do rankings of properties, which we have done in this particular case. As I said, this property was originally approved by this body in 2000. With the resubmission of the new resolution that's before you today, it did appear before the Environment Committee.

The Planning Department staff did do a review of this proposal and we found that the parcel had a number of aspects that did give it a score of -- I believe the score is 50 points. Now, here again, we know that the ranking is not a perfect system, it's not going to be -- give us all the answers in terms of the significance of the property, but we do use it as a yard stick, as a measurement. And just very, very briefly, running through that, the point value here was acquired from some of the unique land forms in the property, kettle hole configurations. It also has fresh water wetlands, as classified by New York State DEC.

The property also has unique vegetation, protected vegetation under New York State DEC requirements, which is actually rather unique to this location. There is a point value for a multiple of those considerations, which are picked up. It picks up five points for having an acreage between 10 and 50 acres.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

I know.

LEG. CARACCILO:

Could we have some order?

MR. ISLES:

It also picks up point value for development plans being filed for the site. This goes back a number of years, but it was approved by the Board of Appeals for an assisted living facility.

Also, there's an adopt-a-park, an intermunicipal arrangement with the Town of Huntington. And I believe there's a letter that's been provided to the Legislature from the Supervisor of Huntington indicating that they are making a commitment to not only contribute \$800,000 towards the acquisition cost, but also to take on the responsibility for management and stewardship of the property, including some capital investment of a small parking area, interpretive centers and so forth.

The property is adjacent to Walt Whitman High School. The Superintendent of the Schools did appear at the Environment Committee meeting indicating that they would like to do educational programs, if this acquisition were to move forward, and to maximize the educational aspects of this. I'd also point out that five points would be obtained through public access, based on the letter submitted from the Town of Huntington.

That's a summary of the acquisition in terms of the environmental aspects and the appraisal aspects.

LEG. ALDEN:

Tom, how much are we paying for it?

MR. ISLES:

The resolution indicates that the County would contribute 2.8 million dollars towards this acquisition.

LEG. ALDEN:

And what's the total purchase price?

MR. ISLES:

The total purchase price is 3.6 million dollars.

LEG. ALDEN:

Okay. You mentioned before that it was zoned for assisted living. Is that a recent -- is that an upzoning or is that down-zoned, or what is that?

MR. ISLES:

It wasn't actually a change of zone, it was done as a special permit through the Board of Appeals, and that was approved back prior to the adoption of the first resolution by the Suffolk County Legislature. That was done back in -- I believe the date was 1998 or 1999. I do have notes on that, and I'll just -- if you bear with me a moment, I'll find my notes. But I'll locate the exact date, Mr. Alden, but the special permit for the assisted living facility was granted prior to the County resolution. Let me just check my notes real fast here. Yeah. What I indicate in my notes is that the Board of Appeals approved the assisted living facility on November 12th, 1998.

LEG. ALDEN:

Okay. Now, Tom, do you have any indication like when this was zoned? What, is it zoned A, AA?

MR. ISLES:

Yeah. The property is in three different zoning categories.

LEG. BISHOP:

Can I -- I can help, I think.

MR. ISLES:

It's on R-80, which is a two-acre zoning, residential zoning on a portion of the site, R-5, which is also residential, but it's 5,000 square foot minimum lot size, relatively small, and then the other part of the property is zoned C-6, which is the general business zoning category.

LEG. ALDEN:

I yield to Legislator Bishop for a moment.

LEG. BISHOP:

I just want to point out, it's my understanding, from the lengthy committee meetings that we had about this, that this was not a change of zone issue, the issue was a use permit, and

whether the use permit granted by the Town of Huntington upped the value of the property.

LEG. ALDEN:

Can you tell us what the result was?

LEG. BISHOP:

The result is your letter saying that even though the Town denies that it had any impact, because their claim is that a use permit is, as of right, they couldn't deny it, it's not a discretionary act. But the end result was the letter that says, you know, we're going to put \$800,000 into the maintenance of the property. So they essentially -- and that's why we blocked it for a long time, because we were unhappy that they granted the use permit.

LEG. CARACCILO:

Legislator Alden.

LEG. ALDEN:

In your estimation, though, the use permit increased the value of the property.

LEG. BISHOP:

That was my theory. It's never been substantiated, it's never been disproven either. It's --

LEG. HALEY:

It's mostly a theory.

LEG. BISHOP:

Correct.

LEG. ALDEN:

Legislator Caracciolo.

LEG. CARACCILO:

Legislator yield -- I mean, Legislator Alden, would you be kind enough to yield?

P.O. POSTAL:

Well, could we -- I'm sorry.

LEG. BISHOP:

But the Town -- the Town realized it wasn't going to get through the committee, because we were raising this issue about the granting of the use permit and whether it was a discretionary act, and, ultimately, they said, "Listen, we don't think it increased the value, we didn't" -- "we don't think that we had any option that we had to do this, but we will throw in another \$800,000 through the maintenance of the property in the years ahead," and that's the letter that you have in your packet.

LEG. ALDEN:

I'd yield to Legislator Caracciolo, if it answers the question that was just posed.

LEG. CARACCILOLO:

Thank you very much, Legislator Alden. Legislative Counsel, I don't know if you heard the dialogue that was just going around with respect to the property and the zoning on the property, and possible use of the property, as Legislator Bishop pointed out. The Town changed the use on this property, they didn't issue a special permit. The question from Legislator Alden was, and I think it's a good one, because we did raise it in committee, and I was never satisfied with the answer, does that, in fact, the town providing a different use, in this case a congregate care facility, subsequent to that decision, did that increase the intrinsic value of the property, so that now we're in a position to purchase it, are we in a position to pay in more?

LEG. ALDEN:

Legislator Caracciolo, could you hang on for a minute? We don't have a quorum.

P.O. POSTAL:

Yeah, we do not have a quorum. As soon as we have a quorum, we will resume our action here. Let's get all Legislators back into the auditorium. We do not have a quorum. We cannot conduct business without a quorum.

LEG. CARACCILOLO:

We got a quorum now, Madam. Okay.

P.O. POSTAL:

Okay.

LEG. CARACCILO:

So, Counsel --

P.O. POSTAL:

All right. Please, continue.

LEG. CARACCILO:

Legislative Counsel.

MR. SABATINO:

Okay. The special use permit that was granted by the Town Zoning Board of Appeals, according to the testimony that we received at the committee, was in 1998.

LEG. CARACCILO:

Eight, right.

MR. SABATINO:

In fact, it was -- well, in the latter part of 1998. And, if the appraisal took place after 1998, which it would appear was the case --

LEG. CARACCILO:

It did.

MR. SABATINO:

-- that would have been -- well, it should have been factored into the appraisal, if the appraiser was --

LEG. CARACCILO:

And in doing so, would it have not increased the value of the property?

MR. SABATINO:

Well, I would think, by definition, it would have to enhance the value of the property, yeah.

LEG. CARACCILO:

Okay. Thank you, Legislator Alden. May I continue, Madam?

P.O. POSTAL:

Yes.

LEG. CARACCILO:

Okay. Tom, you've indicated, in response to Legislator Alden's question, that the property had or currently has three types of zoning; two are residential and one was commercial. What is the total size of the property?

MR. ISLES:

10.6 acres.

LEG. CARACCILO:

What -- how much of that property is considered wetlands?

MR. ISLES:

A portion of the property is considered wetlands. I could try to --

LEG. CARACCILO:

And could you tell us what A-1 wetlands, that definition, what does that mean?

MR. ISLES:

Okay. It's just a classification that New York State DEC uses to classify wetlands. The portion of this site that's wetlands, there are two parts of the property that are wetlands. They are -- partially contain water during certain times of the year, but not all the times of the year. They're referred to in various environmental documents that have been submitted to the Town and to us as ponds, although they're not, they're intermittent. The first one is located directly adjacent to Jericho Turnpike. It is an area of, I would estimate, about 2.5 acres. And here again, it's a seasonal expression of water. And the way DEC measures wetlands or determines wetlands is by vegetation, so they go out and they determine, not necessarily by standing water or soggy soil, and so forth, but by vegetation type.

There was also another smaller so-called pond area a little bit to the west of this site and that is

a similar situation where it's intermittent water, but it is classified by New York State DEC as wetlands. The A-1 classification is just a higher level of classification. Both are regulated by DEC and they would have to issue permits if there are any development adjacent to or within those areas.

LEG. CARACCILO:

Now this property is, in terms of proximity, how close or how far from West Hills County Park, and what is the County holding there in terms of acreage at West Hills?

MR. ISLES:

The County has a very significant holding of lands within West Hills. I don't have the exact distance, but I would estimate it to be -- I know we're about four-tenths of a mile from the West Hills special groundwater protection area, so that might be an approximation.

If I could, Legislator Caracciolo. In terms of the point on the special permit, I'll leave it to the Legislature to decide in terms of the value and the appropriateness, but I just want to make one planning point, and that is a special permit is a use that's presumed to be in harmony with the zoning ordinance that the Legislative body, in this case the Town Board has anticipated this use, they've provided for it, subject to the right of the Town, in this case to the Board of Appeals, to do specific review and to identify and mitigate specific impacts.

So I just want to make the point, in terms of the special permit from a planning and zoning standpoint, it's not an exception, it's not a rezoning, it is something that's deliberately allowed subject to this process of extra special review, so to speak.

LEG. CARACCILO:

And then the total amount of acreage you indicated under the commercial zoning?

MR. ISLES:

I don't have that information before me right now, no.

LEG. CARACCILO:

Okay. I have a number of other questions, because I will not support this acquisition. I don't think it's a good acquisition. I think by virtue of the considerable acreage that the County does have in close proximity to this property, that this is a wasteful expenditure of a sizable sum of

County funds, ostensibly for -- it's coming out of the Open Space Program, Tom?

MR. ISLES:

Yeah, it's the --

LEG. CARACCILOLO:

Okay. It was interesting earlier today, when we had representatives from the school districts here, they were talking about setting up an environmental classroom. Mr. Isles, could you tell us what type of environmental classroom facilities there are in the Town of Huntington, including the substantial one that the State of New York has invested at Cold Spring Harbor, which is, again, not very far from this place?

MR. ISLES:

The program, by the way, is under the current Drinking Water Protection Program, and so it's part of the sales tax program.

LEG. CARACCILOLO:

So we would be buying this land, which essentially, when we have water on it, is from road runoff --

MR. ISLES:

But it is still a deep flow recharge location. It's not a special groundwater protection area, primarily because the SGPA's did not include areas that had development around them, but this is still within the deep flow recharge area. So, from a groundwater standpoint, it does have a role in doing recharge. Here again, it becomes a judgment as to whether it's significant or not significant.

P.O. POSTAL:

Tom, could you just hold off. I would just ask that people pay attention. We asked Mr. Isles to come here, especially so that we could ask him questions and get information from him, and now there are so many conversations going on that it's, first of all, clear that not everyone is paying attention, and secondly, it makes it difficult for those of us who would like to pay attention to hear what he's saying. So, please, be polite to him.

LEG. CARACCILOLO:

Thank you.

P.O. POSTAL:

Go ahead, Tom.

MR. ISLES:

Okay. Thanks.

LEG. CARACCILO:

With respect to this property and this proximity to West Hills Park, the Cold Spring Harbor Laboratory, environmental facility that's there, which is a very substantial one, do you really see the need for the County to making this sizable investment to really block what those who are advocates for this property being preserved, a small development project that, given the characteristics of this corridor already, Jericho Turnpike, which, as you recall, when you and I were there, and we have aerials here, which everyone received previously and we'll pass around another --

MR. ISLES:

We have the color copies.

LEG. CARACCILO:

You have the color copy? Great. It's hard to tell from the elevation these pictures were taken, but if you look very closely, north of the property you'll see a circle, that circle depicts, as I'm told, the wetlands area, a number of large buildings, and then you'll see little dots. Well, the little dots represent the autos that are being sold by the auto dealerships, which are housed in those large buildings. This is a very heavily developed commercial area, and I don't believe, despite its ranking or rating of 50, that it's a worthwhile County acquisition.

But now I want to get to the question of, and this is for Counsel, public use and so forth. We heard earlier the school district advocate for its preservation. The school district is not an entity that's partnering with the Town or the County, so, in essence, it's really the Town and the County that would be in a position to authorize access. The Town of Huntington has a recreation pass, and you can't use their facilities unless you have their recreation pass. I don't know in this case, when we have passive property in the County program, if our Green Key is required to trespass or walk upon County land. That's a good question, and maybe you could clarify

whether or not it is a requirement to have a Green Key, a County Green Key.

MR. SABATINO:

Well, the short answer is that, if it's going to be acquired by the County of Suffolk, it's got to be available to the public at large, so the Town can't do something that restricts that. I mean, in terms of the mechanics of how they're going to give people passes, or permits, or access, I mean, I would defer on the mechanics to the people who are going to work it out, but the bottom line is it's got to be public access County-wide, not just limited to the people in the Town of the Huntington.

LEG. CARACCILO:

Well, there again, that's where I'm somewhat troubled, because the resolution is very vague as to that issue. And from my perspective, and I'm a stickler about it, perhaps, but I really feel very strongly, that any time, just as we did a few moments ago, purchase a piece of property, right up front, right here at this policy-making body, there needs to be identified what uses can and cannot be permitted on those properties, not leaving it to somebody a year from now, when they finally execute a management agreement, to make that determination, and perhaps void the will of this Legislature.

We're talking about -- the Town, rather, is talking about an environmental classroom. I would submit that if the Huntington -- Half Hollow -- what is that? No, Walt Whitman High School, I'm sorry, would like to have an environmental laboratory, if you'll look at these aerials, you'll see the large school building on school grounds, I'm sure they can find some classroom space at a date and time convenient to house that type of instruction. I mean, that's nothing more than window dressing to try to make this a real proposal. It's anything but that, and it's a sizable sum of money.

When the Town of Huntington first came forth with this proposal, it was for a substantial share with the County. That changed. Now their share has been diluted even more, except they would argue, "Well, we're going to build, at \$175,000 expense, an environmental laboratory." I don't know what that means. I'd like to see the plans for the structure, I'd like to see the course curriculum. That's what I mean when I talk about a management plan. But, no, we're not interested in that. All we're looking for is somebody to take back to their district, and I don't mean this to insult Legislator Tonna, because I feel the same way about my own district, and Mr. Isles will tell you, there have been resolutions in my own district when he has ranked below

the standard required, I withdraw the resolution; is that not right.

Mr. Isles?

MR. ISLES:

I know we had this { Stiber} one recently in Shelter Island, yes, that's one example.

LEG. CARACCILO:

That's right, on Shelter Island.

LEG. TONNA:

This one isn't below the standard, is it?

MR. ISLES:

No, it isn't.

LEG. CARACCILO:

No, I didn't say it was below the standard.

MR. ISLES:

Right.

LEG. CARACCILO:

I'm just saying what we're doing with our land acquisition programs is we're making this another means of political pork that each of us could bring back and say, "Oh, we preserved this piece of property." That's a lot of money to spend for an environmental classroom that could be housed in the school building on school grounds. And if they want a real laboratory, they can go to West Hills where there's hundreds of acres of preserved land. Thank you, Madam Chair.

P.O. POSTAL:

Thank you. Legislator Caracappa.

D.P.O. CARACAPPA:

I didn't plan on saying anything, but, Mike --

LEG. CARACCILO:

I'm going to retract that statement on political pork. I'm sorry, I didn't mean to go there.

D.P.O. CARACAPPA:

No, I understand what you're saying, but you have to understand for Legislators that represent the center of Suffolk County and the western end. Our taxpayers that we represent spend just as much as your taxpayers and you --

LEG. TONNA:

More, more, more.

D.P.O. CARACAPPA:

Of course, more for land acquisition, and all we have in our districts are pieces like this. I'd be thrilled to have a piece this size in the Selden/Centereach/Ronkonkoma/Farmingville area to be able to be preserve. And the ones that I do bring forward, it's not to go back to my community and say, "Hey, look, I preserved an acre," because that's basically all we have. In fact, the ones that I bring forward Planning shoots down with every weapon they have, because it's not an East End or large acquisition, it's not an estuary property, or anything of that nature. These are important acquisitions to Legislators who represent the center of the County and the West End, because they're quality of life acquisitions more so than ones that protect groundwater or anything along those lines.

So I see what Legislator Tonna's trying to do and all my colleagues to my left who represent the western side of the County. And I would hope that you could appreciate that the small acquisitions are important to us, because that's all we have. And they're a little bit more expensive, because they are heavily developed around it just by their very nature, their location. So I wouldn't put down acquisitions of this nature because of that, because, again, it's all we have, and this is our job to deliver, and it's our responsibility, regardless of the size. And if it meets a ranking, which is a very difficult thing to do in the West End or the center of the County, it meets a ranking, it meets a criteria, it's eligible in my view. I can go on, but I'd be repeating myself. These are very important acquisitions and I would hope that everyone would support it.

LEG. TONNA:

This is a -- oh.

P.O. POSTAL:

Wait, wait, wait. Legislator Fields and then Legislator Tonna.

LEG. FIELDS:

I think that Legislator Caracappa has a very good point here, because when we see properties out east, we just seem to acquire them one after another after another. And even if they are for a purpose of a school, there are still hundreds of acres and farmland that are near there, too, we still tend to acquire them. If this were ranked a 20 or a 30, or even a 40, I think I probably could not support it. But the fact is that it is in a very heavily populated area and it does meet a 50 ranking. And for that reason, not only that, but all the support the community and the school district has shown and come down meeting after meeting after meeting, they're serious. They want this and they want to use it, and they do have a purpose and they do have a plan. Is it in, you know, ten steps and defined from A to Z? No, it's not you, but they have a plan and I believe that they'll follow that plan, and for that reason, I'll support it.

P.O. POSTAL:

Legislator Tonna.

LEG. TONNA:

Yeah. I just see this as a -- and people know, and, Mike, we've had many conversations about this piece of property, but this to me is -- it's almost synergistic in that there's three or four goods in this. First of all, anybody knows, as we heard in Newsday, Jericho Turnpike is the most dangerous road in the world. And from a public safety standpoint, before we talk about the environmental -- the piece of property itself, that section of Jericho Turnpike is one of the most dangerous. I'm looking right at it. We've had already two or three fatalities just in the past year.

And, you know, my Assistant, who is sometimes known as Legislator Ron Cohen, you know, rushes over with pictures and everything else and say, "Hey." There is a large community here, it's next to a high school that will make use of this piece of property in conjunction with the Town. They know the piece of property. And as anybody knows in West Hills, there is -- there are some very, very unique biological, ecological elements to this whole area, and I just think -- in a certain sense, I understand the ranking of 50. I understand that there is -- I don't think there is anymore land in my district, at least. There's very few pieces that are open for sale that

would be, you know, in this West Hills type of area. And, you know I, just see this as a win all the way around.

And, yeah, it's expensive. I don't like the idea that West End land is so expensive, or West End taxes are so expensive to fund this stuff, but we pay our fair share in the West End. And I bet you, if you did an analysis, you will find that West End taxpayers on the County tax rolls are paying a good portion, because it's the right thing to do on the East End to make sure that places like the Duke Property and other places that are absolutely pristine in walking through that piece of property, that those places can be preserved. So I think, yeah, we have to look at small parcels, expensive small parcels.

LEG. CARACCILO:

Madam Chair, just --

P.O. POSTAL:

I'll recognize you right after I have my turn.

LEG. CARACCILO:

Okay.

P.O. POSTAL:

I listened to Legislator Fields, and I'm going to support this acquisition because of the merits of the acquisition. But I couldn't help remembering a Legislature that used to be a lot different from the Legislature as it is now, a Legislature where people might have had their enemies, they might have had their personality conflicts, but they voted on issues based on the merits of the issue. And I remember maybe two years ago when there was a resolution to preserve a parcel, I think it was two parcels, actually, in Legislator Fields' district, and for no reason other than political reasons, those resolutions were not approved, and, frankly, it was a disgrace. It was not one of our finest hours. We should all have been ashamed of the action we took at that time.

And I just listened to Legislator Fields talk about why she was going to support this acquisition. And aside from the fact that it's to her credit that she has not degenerated to the point of pettiness that a lot of us have resorted to over recent years. I think she sets an example for all of us. I think it would be a wonderful thing, I don't know if it's possible, but I think it would be a

wonderful thing if each of us could take a lesson from that and recognize that our obligation is to the people of our districts and the people of this County, and not to take shots at somebody, or not to take shots at somebody because they didn't vote for something that was important to us. So I'm just struck by the way --

LEG. CARACCILO:

Somebody is typing -- tapping on the microphone. Somebody was --

P.O. POSTAL:

I don't know who it is.

LEG. CARACCILO:

Yeah, okay.

LEG. FIELDS:

They're done.

P.O. POSTAL:

They finished tapping. But, you know, I'm just, I guess, impressed with a Legislator who recognizes an obligation to the people and to the County and puts that against her personal peak, her personal advantage, her personal and very private point of view. And I would hope that we could all take a lesson from that, because I've been here for a long time, and one of the things that I admire about this Legislature is that we have attracted some fine quality Legislators, and we seem to, when we have our Legislature together, we bring out the best in the members of this Legislature.

So I just wanted -- I just want to make that statement. I was very impressed by Legislator Fields. I think that it would be a credit to all of us if we recognized the value of her point of view and we resolve to emulate what she does.

But be that as it may, I would like to make a point of personal privilege before we go on. I understand that there is a petition that has been circulated to discharge -- to actually call a special meeting to consider a resolution. That was brought to my attention a little earlier in the day. And I was a little dismayed, because I have made plans to be out of town for a relative's graduation, relative's high school graduation. In 15 years and I think five months, I have

missed two Legislative meetings, one was just this December when I was in the hospital, and one was in December of 2000, when my mother died and I was in mourning and there were people -- there are people here who came to visit me at that time.

I asked the person who was circulating the petition to schedule that meeting at a time when I could be here, I'm going to be away from May 20th and I'll be returning on June 1st, and that courtesy was not afforded me. I think that that again is in this new spirit that we seem to have found here, the spirit of inhumanity, the spirit of retaliation and vindictiveness. And I would ask that people who signed that petition, not all of you, you know, because you certainly don't have to do it, but I would ask, since there are 11 people who signed that petition, I would ask that two of the people who signed the petition, please, have the same respect for my request that I would have for yours.

I'm very careful about my obligation to this County and this Legislature, and I ask that if you signed that petition, you please remove your name, because I would be very, very happy to come back here at another time. I will be out of state, I will be flying out of state, and it's very important that I be here. This is one of the most important issues, if not the most important issue that we confront within a ten-year period. So, if you signed that, I would ask you to do what I would do for you, to extend to me the courtesy of removing your name, so that that meeting could be called at a time when I could be present. That's all I want to say. Thank you.

LEG. CARACCILOLO:

Madam Chair.

LEG. CRECCA:

May I respond --

P.O. POSTAL:

Yes.

LEG. CRECCA:

-- Madam Chair?

LEG. CARACCILOLO:

Madam Chair, I thought I was next on the list.

P.O. POSTAL:

No. That was a point of personal privilege and it doesn't require a response. I'm going to continue --

LEG. CRECCA:

I would ask for a point of personal privilege also, then.

LEG. TONNA:

We're in the middle of a vote.

P.O. POSTAL:

Cameron was next on the list to address the resolution, I believe.

LEG. ALDEN:

I just have one more quick question, and either Paul Tonna or Tom could maybe address this. Is there any sign of abuse on that property where like motor bikes, that type of use?

MR. ISLES:

No. I've been to the site, and I won't speak for you, Mr. Tonna, but --

LEG. TONNA:

The last time I've walked it, no. But I will say that this has been a site, I guess, gosh, when I was in high school, that there -- you know, this was a site where people would hang out, or something like that. I think somebody was murdered, actually, on the site, you know, but this was 35 years ago, right, 30 something years ago. But I think, from what I understand, you know, it's been -- from what I understand, there is -- it's not that type of place anymore, even close to being a place like that. I think after that incident years ago, I think the police have made a point, I think it's in the patrol type of, you know, whatever. I think they're very cognizant that, you know, that has to be a secure place.

LEG. ALDEN:

Because that's the two points I would raise, liability and security. If we're going to add more property that we can't even, you know, take care of and we're going to just make this an

invitation to kids to come in there and just like --

LEG. TONNA:

I think that -- I think that, and again, I can't remember, I think I was in high school, I might have been in college. I guess I was probably in college, because it was something that happened --

LEG. ALDEN:

Paul, wait a minute, I've got a question. You're not going to say you murdered somebody on that property 35 years ago?

LEG. TONNA:

Yeah. No, no, no.

LEG. BISHOP:

Statute of limitations.

LEG. TONNA:

But I would say is I remember -- yeah, right, and I'm off on that. No. But I do remember -- I remember there was a terrible incident in Walt Whitman High School with somebody being either abused or murdered or something 40 years -- but, from that point on, I remember that there was an outcry in the community and that that place is, you know -- no longer, you know, could that happen. The only thing that can get killed, I guess, is a tiger salamander now over there, but, you know --

MR. ISLES:

There aren't any on the property, but okay.

LEG. TONNA:

Okay, thank you.

MR. ISLES:

We've checked.

LEG. TONNA:

That would have been a 60 rating then, right.

MR. ISLES:

That's right.

LEG. LINDSAY:

Could we move the question?

P.O. POSTAL:

We have just one more. I'm going --

LEG. VILORIA-FISHER:

Please, add me to the list.

P.O. POSTAL:

I'm going to recognize Legislator Caracciolo, and that will be the last person on this issue.

LEG. CARACCILOLO:

Thank you.

P.O. POSTAL:

And then Legislator Fisher, and then we're going to go to a vote.

LEG. CARACCILOLO:

Okay. What I'd like to point out with regard to the wetlands on this property, when Mr. Isles and I went to this property, visited it last year, it was dry, bone dry. And it was interesting that the photographs that were distributed today as part of the packet to persuade or provide us with the impression that there are -- that there are continuous wetlands on this property is a farce, it's a joke. Jericho Turnpike, and the New York State Department of Transportation identified drainage problems, and as a result, there is road runoff that goes right onto this property, because it's below road bed level.

It was interesting that I took note of when the pictures that were distributed today were taken. They were taken April -- I'll wait for the Chair. They were taken April 13th of this year. Just out

of curiosity, we did a search on the web. We called News 12 Meteorologist, {Mr. Korbell}, and we researched the weather records to find out what amount of precipitation preceded the date of these photos.

{ SUBSTITUTION OF STENOGRAPHER - DONNA CATALANO }

LEG. CARACCILO:

I'll wait for the Chair. You want to know something? We couldn't get the information from NWS. What we found out, Madam Chair, is that in the three days immediately preceding the date of these photographs, there was other four inches of rainfall. That's why you'll see water in the photographs. Finally, my sense is the sponsor probably has enough support for this acquisition to be made. I will encourage you, Mr. Tonna, to become actively involved in the management agreement that was proposed and signed out of on, because then you can be fulfilling an obligation that oftentimes goes overlooked in this County and is a disservice to the residents of this County.

LEG. TONNA:

Absolutely.

LEG. CARACCILO:

Thank you.

P.O. POSTAL:

Okay. There is a motion and a second?

MR. BARTON:

Yes, there is.

MR. SABATINO:

Prior to the vote, just a technical point. I mean, the record at least has to be cleaned up, because I operated on the premise that we were going to be doing a procedural motion to pierce the appraised value because the official document that was submitted to the ELAP Committee showed that the appraisal mean value was \$3,550,000 and that the authorized acquisition was going to be at 3.6 million. If that's the case, you have to do the procedural motion. However,

testimony -- verbal testimony was given early today indicating that that number has shifted to \$3.6 million. So I think you need to get that on the record to explain why you're not doing the procedural motion.

LEG. TONNA:

Okay. Let's just reiterate it again. Tom, just -- and I saw the document Paul was eluding to, it was 4.1 on the document. It's actually 4.2, then it shifts the appraised value to 3.6, right?

DIRECTOR ISLES:

Right. We apologize for that. And when I questioned the Director of Real Estate on that, the appraisal came in at a range of 4.1 to 4.2. It was reviewed by our in-house appraisal staff, they certified that rate. So they certified up to 4.2 as being appropriate. It was a little bit of an unusual situation, but we did clarify it, and I'll clarify it on the record today that we represent the 4.2 as the County appraisal as the high range, and the town appraisal at three million, the mean being \$3.6.

LEG. TONNA:

Great. Thank you. Okay. There's a motion and a second.

LEG. CARACCILOLO:

Roll call.

P.O. POSTAL:

Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACCILOLO:

No.

LEG. GULDI:

(Not present).

LEG. TOWLE:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

(Not present).

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes, and co sponsor.

LEG. BINDER:

Yes.

LEG. COOPER:

Cosponsor, please.

LEG. BINDER:

Co sponsor.

D.P.O. CARACAPPA:

Yes, absolutely.

P.O. POSTAL:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. HALEY:

(Not present).

LEG. CRECCA:

Yes.

MR. BARTON:

16-1, one not present.

P.O. POSTAL:

1228 is approved. **IR 1232, authorizing planning steps for acquisition under Suffolk**

County Multifaceted Land Preservation Program (active parklands at Belleview Avenue, Center Moriches (Town of Brookhaven) for use of Ketcham's Inn Visitors Center.

LEG. TOWLE:

Motion.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Motion by Legislator Towle, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

17, one not present.

P.O. POSTAL:

1267, declaring a governmental need for underwater lands located in Peconic and Gardiners Bays.

LEG. GULDI:

Motion.

P.O. POSTAL:

Motion by Guldi --

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Caracciolo.

LEG. ALDEN:

On the motion.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

Could somebody explain a little bit as far as the testimony we heard this morning and why we're doing this action? Because I think what happens here is when we declare a governmental need, it takes that -- that auction -- was this property going to be auctioned back to the --

LEG. BISHOP:

No.

LEG. ALDEN:

Okay. Can somebody explain then what's going on?

LEG. GULDI:

You want to take the first shot at it?

LEG. BISHOP:

I think I can do it quicker. This is a property that was acquired out of bankruptcy by a man named Parrino, Mr. Parrino, and he wants to farm it as the owner, he wants to own the underwater bay bottom, and he acquired it from the bankruptcy. What this would do is prevent that because it would be declared a Suffolk County, you know, governmental need, and so we wouldn't redeem his tax -- he has a redemption for a tax -- he has an application for a tax redemption. We would not go forward with that, we would declare it a governmental need and take ownership of it.

LEG. ALDEN:

Okay. Then we're going through a condemnation basically.

LEG. GULDI:

No, we're not.

LEG. BISHOP:

No, we're not.

LEG. ALDEN:

Is it of-right then?

LEG. GULDI:

We took it for taxes. The application is not of-right, but is subject to subordinate to our declaration of governmental need. This is not a long term owner of the property. In fact, he brought it from bankruptcy from another short term owner who had bought it in turn at a prior bankruptcy. What was going on with the prior owner is that while he articulated a desire to engage in aquaculture, instead was dredge harvesting natural set clams in some of the areas that he had taken, much larger areas. This -- this owner, reputative (sic) owner, went to his subsequent bankruptcy proceeding and cherry picked a few of the sites that were deeded by grant many, many, many years ago through New York State and Suffolk County. We have adopted about a year ago an aquaculture study that determined that the best way to proceed in effect is a Sense Resolution in the packet asking the state to make some amendments in its law so that we can foster and initiate a more meaningful and substantive aquaculture operation in Suffolk County. We, however, have determined that the proper way for us to proceed with that is not by leaving land in fee as bay bottom that had only nominal tax contributions and was subject to private owners who may or may not develop it. Many of the private owners who still have acquired them --

LEG. TONNA:

You were right, Dave, you could have explained it quicker.

LEG. GULDI:

Excuse us. Who have bought them essentially on spec, not necessarily with an intent of going forward with them. The real way to get this going, to get the program off the ground in Suffolk County, is to not as a matter of policy permit any more redemptions of the old grant bottoms, have the County take them back in fee and under a managed leasing program where the County would have better opportunities to control the activities and the monitoring of the activities, among others, to go -- to foster aquaculture in that vein.

I have no personal knowledge of whether the selected parcels by this owner are the same high yield natural set clam areas that were the target for future dredging of clams, but that's not aquaculture in any event. And, in fact, the DEC has -- which licenses aquaculture, has very specific regulations prohibiting the harvesting of natural set clams by -- under the circumstances

by dredging and requires aquaculturists to do their own seeding and/or cage breeding of product before it can be harvested.

LEG. ALDEN:

Now, in the committee, we plan on -- later on issuing permits to have this area harvested by a lottery system?

LEG. GULDI:

By leasing, and if necessary, by a lottery system. At the moment, there's by no means, by no means, a demand that exceeds the available capabilities of the bay.

LEG. BISHOP:

He will get it eventually.

LEG. ALDEN:

How much -- how much acreage do we have -- in Suffolk County, how much do we have that we lease out to other people?

LEG. GULDI:

That we lease out?

LEG. ALDEN:

Right. Mainly, it's the towns that own the bay bottom, right?

LEG. GULDI:

No. Actually, the towns own the bay bottoms to a point. The state waters have been granted to the County, so once you get different -- and there's some dispute between the towns about how far offshore that is. The grant lands, which are state waters under an all-state legislation have come under the County's supervision. We have revisited this issue every 20 years or so, and yet, until this current level, I don't -- we have not succeeded in developing a meaningful aquaculture industry here in Suffolk County. It's -- the desire and the goal is to do precisely that. And one of the elements of that is to end these private owners -- ownership situations and have the County control it all as part of a comprehensive program.

LEG. ALDEN:

Are we going to condemn the other properties that we own?

LEG. GULDI:

No. Actually, we're -- the ones we're acquiring, we're acquiring all from non payment of taxes.

LEG. BISHOP:

There's an Aquaculture Committee, and they came up with a policy, which is when the County can get a hold of the underwater bay bottom, we should get a hold of it and lease it out later on when we have a system and we need the state approval for the system. So this guy, he went to Bankruptcy Court, purchased this property, wants to redeem. And he says, I don't want to wait around for the County and the state to come up with the system to lease me the land, I'd like to start harvesting clams right away." And so you have a conflict between this particular bay bottom farmer who wants his -- wants property now and the general County policy, which is let's first get a hold of all the underwater lands we can and develop the leasing system, is that accurate?

LEG. GULDI:

Yeah. That's -- unfortunately our fear we say is accurate, because what he wants to do is harvest natural set clams on this particular land, which is not aquaculture and is not permitted under state license and is a practice that's inimical to aquaculture and contrary to the clamming industry as a whole.

LEG. BISHOP:

I respectfully take exception to that characterization, because in the Environment Committee, he testified that he was going to follow -- he could only do what the state would permit him to do; is that correct? I mean, that's the testimony we had.

LEG. CARACCILOLO:

Madam Chair.

LEG. ALDEN:

Is this injured if we table this for one cycle or --

LEG. CARACCILOLO:

Legislator Alden, I think the question you're raising could be very sufficiently in short order

answered by Mr. Isles, whose staff has prepared an extensive report as a result of the committee that Mister -- he is in the back.

LEG. ALDEN:

What I'd like to do is just, you know, if possible, can we table this for one cycle? I'll talk to Mr. Isles, I'll get the report, and I'll be able to --

LEG. CARPENTER:

I'll second the tabling motion.

P.O. POSTAL:

We have a motion and a second to table. All in favor? Opposed?

LEG. CARACCILOLO:

Madam Chair, I would recommend that anyone who wants to read more about this, there is a full report. Counsel, did you want to say something?

MR. SABATINO:

I just want to reiterate what I said at the committee that there's a time sensitivity to this resolution. The reason it got discharged was that you're at the back end of that time sensitivity, so.

LEG. GULDI:

Will one additional tabling put it beyond that time sensitivity or not?

MR. SABATINO:

Well, in all honesty, you are beyond it, but the implications are that it reopens the process for the individuals to reclaim under the redemption. It's problematic like I alerted you in the committee, that's why we moved it out of the committee.

LEG. GULDI:

I don't think we can table it on Counsel's advice.

LEG. BISHOP:

Wait, wait, wait a second. You're already past the deadline, nothing's happened.

LEG. ALDEN:

Explain to me what the repercussions are if we table this. It gives him another right to redeem?

MR. SABATINO:

The way that particular section works is you have -- if you are going to make the declaration, you have to do it within six months of the filing of the application. If you don't, then it reopens the process for another three months. The problem is this thing is already in its second recycling of that process. So you are --

LEG. BISHOP:

It passed the deadline. So if it's going to be attacked, it's going to be attacked two weeks, same as today.

MR. SABATINO:

You're in an area where the more you delay, the more difficult it gets to defend the position.

LEG. BISHOP:

Let's go.

LEG. CARPENTER:

We have a motion and a second to table.

P.O. POSTAL:

We have a motion to table, do we have a second?

LEG. GULDI:

Roll call on tabling.

(THE ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. ALDEN:

Yes to table.

LEG. CARPENTER:

Yes to table.

LEG. CARACCIOLO:

No to table.

LEG. GULDI:

No to table.

LEG. TOWLE:

Yes to table.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

(Not present).

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. CRECCA:

Yes to table.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

No.

MR. BARTON:

11.

P.O. POSTAL:

1309 - Addition/renovations to Suffolk County Civil Court, Griffing Avenue, Riverhead, Town of Riverhead.

LEG. FOLEY:

Motion.

LEG. GULDI:

Second.

P.O. POSTAL:

Motion by Legislator Foley, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

17, one not present.

P.O. POSTAL:

1309 is approved. **1310 (Making a SEQRA determination in connection with the proposed installation of water main at Southaven County Park, Yaphank, Town of Brookhaven)**

LEG. FOLEY:

Motion.

P.O. POSTAL:

Same motion, same second, same vote.

MR. BARTON:

17, one not present.

P.O. POSTAL:

1311 (Making a SEQRA determination in connection with the proposed sludge treatment system improvements to Sewer District #11 - Selden, Town of Brookhaven).

D.P.O. CARACAPPA:

Motion to table.

P.O. POSTAL:

Motion to table, seconded by Legislator Foley. All in favor? Opposed?

LEG. VILORIA-FISHER:

Opposed.

MR. BARTON:

16-1, one not present.

P.O. POSTAL:

1311 is tabled. **1314 (Making a SEQRA determination in connection with the proposed planning phase of construction of Day Care Centers in County facilities CP 1777, Yaphank, Town of Brookhaven).**

Motion by Legislator Bishop, seconded by Legislator Cooper, Legislator Foley. All in favor?
Opposed?

MR. BARTON:

17, 1 not present.

P.O. POSTAL:

1314 is approved. **1315 - Authorizing planning steps for Greenways Program in connection with acquisition of farmland development rights at Schneider Farm/Old Country Road Farm (Town of Huntington).**

I'm sorry, 1351. Motion by Legislator Binder, seconded by Legislator Tonna. All in favor?
Opposed?

MR. BARTON:

17, one not present.

P.O. POSTAL:

1351 is approved. **1353 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (property of Ellgreen Co.), Town of Huntington for active parklands.**

LEG. BINDER:

Motion.

LEG. TONNA:

Second.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

17, one not present.

P.O. POSTAL:

1353 is approved. **1355 - Implementing Greenways Program in connection with acquisition of Farmland Development Rights for Tedford Parcel (Town of Shelter Island).**

LEG. CARACCILO:

Motion.

LEG. GULDI:

Second.

P.O. POSTAL:

Motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

17, one not present.

P.O. POSTAL:

1355 is approved. **1356 - Authorizing planning steps for Greenways Program in connection with acquisition of Farmland Development Rights at Baiting Hollow (Town of Riverhead).**

LEG. CARACCILO:

Same motion.

LEG. GULDI:

Same second.

P.O. POSTAL:

Motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

17, one not present.

P.O. POSTAL:

1356 is approved. **1395 - Amending the 2003 Capital Budget and Program by accepting and appropriating up to 75% grant funds in the amount of \$1,000,000 from the New York State Department of Agriculture and Markets (Grant C800558) to the Suffolk County Farmland Preservation Program for the acquisition of agricultural development rights.**

LEG. CARACCIOLO:

Motion.

LEG. GULDI:

Second.

P.O. POSTAL:

Motion by Legislator Guldi, seconded by Legislator Caracciolo.

MR. SABATINO:

Just for the record, that resolution specifically refers to bond anticipation notes.

P.O. POSTAL:

Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

(Not present).

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

MR. BARTON:

Legislator Fields.

P.O. POSTAL:

Let's clarify this for Henry's sake. Okay. Let's just get this straight. Is there a motion on 1395 by Legislator Carpenter, seconded by Legislator Foley? Let's have a role call.

LEG. BINDER:

Wait, wait, wait, wait.

P.O. POSTAL:

We're doing 1395, bottom of page nine, top of page ten. It was approved 6/0. We're confused. We're confused about what resolution we were voting on, so we started over and we are voting on 1395, 1395A. Let's all pay attention so we don't get confused again.

(THE ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. CARACCILO:

Pass -- I'm sorry, yes.

LEG. GULDI:

Still yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17, one not present on the bond.

P.O. POSTAL:

Same motion, same second, same vote. Now, we're moving down to the bottom of page ten where we have **1394**, because we have a motion to **amend the 2003 Capital Budget and Program and appropriating funds in connection with the acquisition of Fiber Cabling Network and systems upgrades**. The letter from bond counsel has been circulated and --

LEG. BISHOP:

Is this actually our bond counsel, because everyone kept saying Wilke Farr is our bond counsel?

P.O. POSTAL:

Well, can somebody -- Paul, who is our bond counsel?

MR. SABATINO:

Our Bond Counsel, I only learned recently, is now Winston and Strawn, which is some -- a law firm on Park Avenue in New York City.

LEG. BISHOP:

Now, did this letter come out of the Paris office or the Geneva office?

LEG. LINDSAY:

You're just jealous, Dave.

P.O. POSTAL:

Is that a legitimate question? Okay. We have -- we have a motion and a second, Henry?

LEG. BISHOP:

We will not contract with any firm that has a Paris office.

MR. BARTON:

No.

P.O. POSTAL:

No. Can we have some order? We have -- we're looking at 1394, 1394A. Do we have a motion?

LEG. CRECCA:

Motion.

P.O. POSTAL:

Motion by Legislator Crecca, seconded by Legislator Fisher. Roll call.

LEG. GULDI:

On the motion.

P.O. POSTAL:

On the motion, Legislator Guldi, then Legislator Alden .

LEG. GULDI:

Yeah, on the motion, Counsel the opinion letter has been distributed. I note that this actually refers to resolutions of 1966, which I think is the first time I've been here where we actually have a reference to a pre-Sabatino resolution. I wonder if you had an opportunity to review the letter and formulate an opinion as to whether or not there's adequate approval for the band used by the Comptroller or whether or not you think it's advisable for us to enact additional enabling legislation.

MR. SABATINO:

Two quick points. One is today's letter responds to the issues that we raised last week with regard to the delegation of authority, because the state statute provides the authority to the

municipality, which in this case would be the County of Suffolk, not to the County Comptroller. However, that authority can be delegated. In looking at the County's Administrative Code, which is our official book and record of resolutions, the only citation to that delegation of authority was to capital notes. There appeared to be no delegation of authority for the bond anticipation notes. However, in looking at today's letter, which now does deal with the issue of delegation of authority, reference is made to these 1966 and 1972 resolutions, which I have not had an opportunity to review, but if, in fact, they are a delegation of authority, we should get our Administrative Code, Section 5-3 updated to reflect that, so.

LEG. GULDI:

Counsel, if I may, based on the opinion letter in hand of bond counsel, I'm adequately satisfied for today's purposes in the resolution before us today, but what I will like Counsel to do is review those resolutions and prepare either a resolution to amend the Administrative Code to accurately reflect the past resolutions or to prepare an authorizing resolution in and of itself, if necessary, authorizing the Comptroller to issue bond anticipation notes when authorized to issue serial bonds provided that the Comptroller finds in his opinion that the issue in some bond anticipation notes would result in the savings of costs to Suffolk County.

MR. SABATINO:

That's already been done, because you the raised key point, which is you've got to dictate the savings aspect. Plus as I stated before, the previous resolution, 1395, does, in fact, make specific reference to bans. You really should get this modified.

LEG. GULDI:

Let's do it on a global basis, prepare and file the bill but review the past legislation to determine its appropriateness.

P.O. POSTAL:

We have a motion and a second, Henry?

MR. BARTON:

Yes.

LEG. ALDEN:

I had a question.

P.O. POSTAL:

I'm sorry, Legislator Alden.

LEG. ALDEN:

A few hours ago when we first visited this, I think, Paul, you were saying something that this is a three quarter requirement.

MR. SABATINO:

Yes. Three-quarters vote because it's changing the method of financing --

LEG. ALDEN:

Now, the method of financing --

MR. SABATINO:

From pay-as-you-go to --

LEG. ALDEN:

To bonding.

MR. SABATINO:

Bonding, yes.

P.O. POSTAL:

Okay? Roll call.

(THE ROLL WAS CALLED BY HENRY BARTON - CLERK OF THE LEGISLATURE)

LEG. CRECCA:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCILO:

Pass.

LEG. GULDI:

Yes.

LEG. TOWLE:

Pass.

LEG. HALEY:

(Not present).

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Pass.

LEG. TONNA:

Yes.

P.O. POSTAL:

That was a yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. CARACCILO:

Yes.

LEG. TOWLE:

Yes.

LEG. ALDEN:

No.

LEG. BINDER:

Yes.

MR. BARTON:

15 -- I'm sorry, 14-3, one not present.

P.O. POSTAL:

Same motion, same second, same vote. **1407 - Amending the adopted 2003 Capital Budget and --**

LEG. GULDI:

We've done that.

LEG. LINDSAY:

We did that already.

P.O. POSTAL:

We did that already, oh. This is the parking on Second District Court. Yes, I'm sorry.

PUBLIC WORKS AND TRANSPORTATION

Public Works and Transportation. **1090 - Approving Cross Bay Ferry License for Bay Shore Ferry.** Approved 6-0. Motion by Legislator -- was that Caracappa? Seconded by Legislator Bishop.

LEG. CARPENTER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I would just like to check with I guess Chairman of the Committee or Counsel what the length of this license is.

D.P.O. CARACAPPA:

Five years.

LEG. CARPENTER:

Thank you.

P.O. POSTAL:

Roll call.

LEG. ALDEN:

Just --

P.O. POSTAL:

Okay, Legislator Alden.

LEG. ALDEN:

I'm sorry, one quick question. The language of the final version contains that clause that we -- while we don't have them on a short leash as far as the five years, if they --

LEG. BISHOP:

Certification.

LEG. ALDEN:

Yeah, if they operate outside of the scope, we -- okay, good.

P.O. POSTAL:

Okay. Roll call.

LEG. CARPENTER:

Put that on the record. Ask Counsel to put it on the record.

D.P.O. CARACAPPA:

The final version is that -- Paul, maybe you want to do it technically with relation to the -- if they operate outside the scope that we have provisions to proceed with pulling the license; correct?

MR. SABATINO:

Yeah. There's a certification provision with regard to complying with all the terms and conditions. It has to be certified in writing to Budget Review by the end of each year.

D.P.O. CARACAPPA:

And just, furthermore, for the record, as is the case with every ferry application, a report was done by Budget Review, and this particular applicant met all criteria that was laid out before him and they're good to go.

P.O. POSTAL:

Okay. Legislator Binder.

LEG. BINDER:

Yeah. I would ask the Chair if he would look to doing the same certification language with other licenses. As long as we're going to do that, that may be the new standard if someone acts outside that we have the same ability. That should probably be across the board. I don't like singling out any one particular operator.

D.P.O. CARACAPPA:

Me neither, but it was a compromise.

LEG. BINDER:

No, I understand that, but maybe this is a precedent, then, rather than it --

D.P.O. CARACAPPA:

Not really, because this -- it exists already. We have the ability to start proceedings to pull a license --

LEG. BINDER:

Right.

D.P.O. CARACAPPA:

-- already. But this was -- originally, some Legislators wanted to make the license agreement two years. It was a new operator, and this was put in as a safeguard and to make everyone feel --

LEG. BINDER:

No, I understand. I'm just suggesting that we should probably --

D.P.O. CARACAPPA:

In the future, maybe we will talk to Budget Review and maybe put a part --

LEG. BINDER:

Put this into all of the --

D.P.O. CARACAPPA:

Yeah. It's something worth considering, absolutely.

P.O. POSTAL:

Okay. Before we go to a roll call, I would just like to point out that I have asked Mr. Sabatino to prepare a change in the rules. Until this time, only the Presiding Officer was able to sponsor a bill having to do with ferry licenses and ferry rates, and I think that that should be the right and the ability of the Legislator in whose district the ferry operates as well for her district, so that that rule change is being prepared by Mr. Sabatino for us and we'll have --

LEG. CARPENTER:

Roll call.

P.O. POSTAL:

-- a roll call on the Cross Bay Ferry license.

MR. BARTON:

Okay.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17, 1 not present.

D.P.O. CARACAPPA:

Madam Chair, I'd like to --

P.O. POSTAL:

1090 is approved. Yes.

D.P.O. CARACAPPA:

-- do **1092 now, which was discharged earlier, and it has to do with the authorization of rates for Bay Shore Ferry.**

P.O. POSTAL:

And I'll second that. All in favor? Opposed?

MR. BARTON:

17, 1 not present.

P.O. POSTAL:

Okay. 1092 is approved. **1269 - Appropriating planning funds in connection with the improvements to County Center, Riverhead, Phases I and II, and construction funds for the Phase I addition to the Court Records Storage Facility.**

LEG. CARACCILO:

Motion.

P.O. POSTAL:

Motion by Legislator Caracciolo, seconded by Legislator Guldi. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. GULDI:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Haley)

P.O. POSTAL:

Same motion, same second, same vote. **1292 - Authorizing public hearing for authorization (of approval of lateral license for North Ferry Co., Inc.)** Motion by Legislator Carpenter, seconded by Legislator Caracappa. All in favor?

LEG. CARACCILO:

On the motion, Madam Chair.

P.O. POSTAL:

Yes, Legislator Caracciolo.

LEG. CARACCILO:

This was on today's public hearing calendar, which I requested to be tabled and the Legislature tabled it. This resolution --

LEG. GULDI:

Recessed.

LEG. CARACCILO:

Recessed, rather.

LEG. CARACCILO:

This resolution, should it have not come before that or -- I just want to make sure we're not doing things in reverse here.

D.P.O. CARACAPPA:

Yeah. It was because we never got to it on the last agenda.

LEG. CARACCILO:

Oh, okay, it's a holdover, got you. Okay.

P.O. POSTAL:

Okay. So we have a motion and a second. All in favor?

MR. BARTON:

17 --

P.O. POSTAL:

Opposed?

MR. BARTON:

-- one not present. (Not Present: Leg. Haley)

P.O. POSTAL:

1292 is approved. Now we have **Introductory Resolution 1305, which is amending the 2003 Capital Program and Budget, and appropriating funds for strengthening and improving County roads.** And that was discharged earlier. There's a motion to approve by Legislator Foley, I believe, seconded by Legislator Lindsay.

MR. SABATINO:

This will require 14 votes, because it's changing the method of financing.

P.O. POSTAL:

Okay. Let's have a roll call.

LEG. BISHOP:

Changing it from what to what?

P.O. POSTAL:

Mr. Sabatino, changing the method of finance from what to what?

MR. SABATINO:

From pay-as-you-go to serial bonds.

LEG. CRECCA:

Can you hold on while we get a copy?

D.P.O. CARACAPPA:

Sure.

P.O. POSTAL:

The copy should be in front of you.

LEG. CRECCA:

I know, I'm looking for it.

LEG. BINDER:

We're looking, we're looking.

MR. BARTON:

Who was the motion and a second?

P.O. POSTAL:

We had -- we don't know who made the motion, so we'll have --

LEG. FOLEY:

I'll make the motion.

P.O. POSTAL:

Legislator Foley, I think you did.

LEG. FOLEY:

Yeah, and Legislator --

P.O. POSTAL:

And Legislator Caracappa seconded it.

LEG. FOLEY:

Right, right.

MR. BARTON:

Thank you.

LEG. BISHOP:

Where's the list?

P.O. POSTAL:

What list? We don't have one.

LEG. FOLEY:

There is a list.

P.O. POSTAL:

Would you like to be at the top of the list?

LEG. FOLEY:

I have it here. I'll distribute it to everyone --

P.O. POSTAL:

Oh, the list of projects.

LEG. FOLEY:

-- as it is every year, Madam Chair. There's some geographic balance to the County roads throughout the County that will be part of strengthening and improving projects. The list is here.

P.O. POSTAL:

Okay.

LEG. FOLEY:

I had the list.

LEG. BISHOP:

Can we have the list before we vote?

LEG. CRECCA:

I would ask that that be distributed --

LEG. FOLEY:

Yes.

LEG. CRECCA:

-- prior to the vote and we pass over this.

LEG. FOLEY:

Yes, okay.

P.O. POSTAL:

Can we get the list copied and distributed? And while that's happening, I'm going to call a ten-minute recess.

[THE MEETING WAS RECESSED AT 7:05 P.M. AND RESUMED AT 7:15 P.M.]

P.O. POSTAL:

Let's have some order. Let's return to our agenda.

LEG. HALEY:

Roll call.

P.O. POSTAL:

We were --

MS. SULLIVAN:

1305.

P.O. POSTAL:

We were looking at 1305, which has been distributed. And the attachment for 1305 is in front of you and --

D.P.O. CARACAPPA:

Just on the motion, Madam Chair.

P.O. POSTAL:

Did we have a motion?

MR. BARTON:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

We had a motion and a second? Okay. So we are looking at --

D.P.O. CARACAPPA:

Just on the motion, Madam Chair.

P.O. POSTAL:

On the motion, Legislator Caracappa.

D.P.O. CARACAPPA:

Thank you. This will -- seeing that we're changing the method of funding, we'll need the extra votes. And though, usually, I wouldn't support something like this, changing it, keep in mind the winter that we had, and all you need to do is take a look at the County roadways in your district. Usually, they're in excellent condition this time of year. I can't say that in my district. We're going to need the road repairs this year this spring more so than most because of the winter. And I would urge that you support this, because if we don't address it now, it's just going to lead to worse problems come the summertime.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Yes. That was well said, that's fine.

P.O. POSTAL:

Okay. We have a motion and a second and we need a roll call.

(Roll Called by Mr. Barton, Clerk).

LEG. FOLEY:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Mr. Clerk, is this Resolution 1269?

MR. BARTON:

1305. It was the one that --

P.O. POSTAL:

1305.

MR. BARTON:

-- was discharged.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

P.O. POSTAL:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Okay. 1305 is approved. Same motion, same second, same vote, although I don't see a bond.
Okay?

LEG. FOLEY:

Thank you.

P.O. POSTAL:

All right.

LEG. FOLEY:

Thank you.

HUMAN SERVICES

P.O. POSTAL:

Human Services. **1097 - Authorizing County Health and Human Services evaluation.**

Approved 5-0. Motion to approve.

LEG. CARACCILO:

Second.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1097 is approved.

ECONOMIC DEVELOPMENT AND ENERGY

Economic Development and Energy. **1236 - Adopting a local law implementing Energy Star Labeling Program in Suffolk County.** Approved 5-0. Motion by Legislator Carpenter.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1236 is approved. **1396 - Amending the 2003 adopted Operating Budget and the 2003 Capital Budget and Program, and appropriating funds for the Downtown Revitalization**

Program.

LEG. COOPER:

Motion to approve.

LEG. CARPENTER:

Second.

P.O. POSTAL:

Motion to approve was where? Legislator --

LEG. CARPENTER:

Cooper.

P.O. POSTAL:

-- Cooper, seconded by Legislator Carpenter.

LEG. TOWLE:

Just an explanation.

P.O. POSTAL:

Explanation, Mr. Sabatino.

MR. SABATINO:

1396 is taking \$269,994 from the Downtown Revitalization and putting it into the 5-25-5 fund, so it will be available in the future.

P.O. POSTAL:

Okay? All right. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1396 is approved.

LEG. COOPER:

Cosponsor.

P.O. POSTAL:

And cosponsor for Legislator Cooper.

HEALTH, EDUCATION AND YOUTH

Health, Education and Youth. **1143 - A local law to establish hospital reporting policy for indigent care in Suffolk County.** Legislator --

LEG. FOLEY:

Motion to table.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Motion to table by Legislator Foley, seconded by Legislator Fisher. All in favor? 1143 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1389 - Amending the 2003 Capital Program and Budget and appropriating funds in connection with the purchase of the Arthropod Borne Disease Laboratory and Control Activities.

LEG. FOLEY:

Motion.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Motion to approve by Legislator Foley, seconded by Legislator Fisher. Roll call.

(Roll Called by Mr. Barton, Clerk).

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. HALEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yeah.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yep.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Okay. Same motion, same second, same vote. **1390 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of equipment for health centers.** Motion by Legislator --

LEG. CRECCA:

Motion.

LEG. CARPENTER:

Second.

P.O. POSTAL:

-- Crecca, seconded by Legislator Carpenter. Roll --

MR. SABATINO:

This is also a three-quarters vote, Madam Chair, with the BAN issue again on this.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Same motion, same second, same vote. 1397 - Appropriating funds in connection with cooling tower replacement on the Ammerman Campus. Four -- approved 4-0-0-1. Motion by Legislator Foley.

LEG. GULDI:

Second.

P.O. POSTAL:

Seconded by Legislator Guldi. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Same motion, same vote -- same second, same vote. 1398 - Appropriating funds in connection with (site safety improvements - Eastern Campus).

LEG. CARPENTER:

Motion.

P.O. POSTAL:

A motion by Legislator Carpenter. Seconded --

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

-- by Legislator Fisher. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yep.

P.O. POSTAL:

Yes. Same motion, same second, same vote.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

I don't know if you can do that Capital -- no. Okay.

LEG. BISHOP:

Make it Caracciolo/Guldi.

P.O. POSTAL:

1399 - Appropriating funds in connection with asbestos removal (Phase III) - college wide.

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by Legislator Crecca. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

MR. POLLERT:

Yes.

LEG. ALDEN:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yep.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Same motion, same second, same vote. **1401 - Appropriating funds in connection with the improvements to the electrical distribution systems college-wide.** A motion by Legislator Lindsay.

LEG. LINDSAY:

All right.

LEG. BISHOP:

Mr. Electricity.

P.O. POSTAL:

Second by Legislator Towle. Roll call.

MR. BARTON:

Legislator Postal, we're on 1400?

LEG. NOWICK:

1401.

P.O. POSTAL:

Oh, I'm sorry we skipped one.

LEG. FOLEY:

1400? I'll make the motion on 1400.

P.O. POSTAL:

I thought we did that one, last one.

MS. BURKHARDT:

No, we didn't do this one.

P.O. POSTAL:

Well, let's continue with 1401 and then we'll go back. We have a motion by Legislator Lindsay, seconded by Legislator Towle. Roll call. This is 1401 and 1401A.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Same motion, same second, same vote. Now we're going to back to **1400 - Appropriating funds in connection with renovation of the Brookhaven Gym on the Ammerman Campus.**

LEG. FOLEY:

Motion.

P.O. POSTAL:

Motion by Legislator Foley, seconded by Legislator Fisher. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. HALEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Same motion, same second, same vote. 1403 - Amending the --

MS. SULLIVAN:

Two.

P.O. POSTAL:

1402 - Amending the -- **Appropriating funds in connection with reconstruction of the Central Plaza - Ammerman Campus.** Motion by Legislator Carpenter, seconded by Legislator Alden. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Same motion, same second, same vote. Okay. **1403 - Amending the 2003 Capital Budget and Program by appropriating funds in connection with improvements to mechanical systems - college-wide.**

LEG. FOLEY:

Motion.

LEG. HALEY:

Second.

P.O. POSTAL:

Approved 4-0-0-1. Motion by Legislator Foley, seconded by Legislator Haley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Same motion, same second, same vote.

PARKS, SPORTS AND CULTURAL AFFAIRS

Parks, Sports and Cultural Affairs. **1217 - Authorizing County Department of Parks, Recreation and Conservation and construct dog runs at Coindre Hall and West Hills in Huntington.** Motion by Legislator Cooper, seconded by myself. All in --

(On the Motion Said in Unison by Legislators)

On the motion. Legislator -- all right, let's have a list.

Legislator --

LEG. TONNA:

I just have one question.

LEG. FIELDS:

It's going to the dogs.

LEG. TONNA:

Yeah.

LEG. TOWLE:

You've got a bone to pick.

P.O. POSTAL:

Legislator Tonna, Legislator Binder. Who else wanted to be recognized?

LEG. TONNA:

I have a letter from the Town of Huntington where it says, "Dear Jon," and then it has a nice letter and then you signed the letter, so you're writing a letter to yourself.

LEG. COOPER:

Give me a break. On the record, give me a break.

LEG. TONNA:

It's a "Dear John" letter. Anyway --

LEG. CARACCILOLO:

Madam Chair.

P.O. POSTAL:

Was that it, Legislator Tonna?

LEG. BISHOP:

That's it. That's what he wanted to --

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Thank you. I'm looking at -- we just got handed this right off the hot -- hot off the presses, from Supervisor Petrone, this memorandum of understanding between the Town and County. And I have to say that I don't understand, maybe Counsel can tell me. Can there be a memorandum of understanding between the Town and the County where the Supervisor signs and a Legislator signs? Can there be an -- I mean, is there any authority to --

MR. SABATINO:

Well, there can be an -- there can be a memorandum of understanding between the two parties

named in their individual capacities as Supervisor and Legislator respectively, but with regard to a memorandum of understanding between the County of Suffolk and the Town of Huntington, you would need a Board resolution and a County --

LEG. BINDER:

Right.

MR. SABATINO:

-- resolution approving and authorizing.

LEG. BINDER:

Look, they're not just listing a couple of things that are fly-by-night here, they're taking on real tasks. They're saying they're going to patrol the -- on a daily basis. They have a long list of things they're doing, particularly number seven on environmental conservation. Call off the dogs. Please, someone call off the dogs and the cat. I'm allergic to cats, that's what I'm concerned about.

P.O. POSTAL:

We are losing our focus here, so --

LEG. BINDER:

A nice way to put is.

LEG. FOLEY:

We're in Riverhead.

LEG. CARACCILO:

Southampton.

LEG. BINDER:

So --

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Yes. So there is a long list of things. Now, I think it's very nice that Legislator Cooper takes it upon himself to guarantee this understanding between the Town and the County, but I would think that we should do this the right way. If they're going to take on obligations, which may -- might make us more comfortable in doing this, the Town of Huntington should pass the resolution and then we should have something on our side to do the understanding.

The other question is, I still think that's open, is who's liable should there be a very unfortunate incident. Is someone else going to take the liability? I'd like to add to this when we -- that we should we ask Huntington to take the liability, some kind of bond or do something that they would -- to take the liability, should there be an incident then.

LEG. BISHOP:

Allan Binder hates dogs.

P.O. POSTAL:

I know it's -- whoa.

LEG. BINDER:

I hate dogs that hurt people and then put us -- make us liable.

P.O. POSTAL:

All right.

LEG. BINDER:

I'm going to protect the taxpayer.

LEG. TOWLE:

Cat lover.

P.O. POSTAL:

This meeting is degenerating very quickly. Could we just --

LEG. FIELDS:

It's gone to the dogs.

P.O. POSTAL:

Yes. Could we just --

LEG. COOPER:

Could I call for a vote?

LEG. BINDER:

Let me tell you about my dog, Junior, growing up -- no.

P.O. POSTAL:

Let's try --

LEG. FOLEY:

It's the case of the tail wagging the dog here, I think.

P.O. POSTAL:

Can we just try to be patient? We're making good progress, and if we could, please, just restrain ourselves, we could complete this meeting and adjourn the meeting. I think when our blood sugar goes down we begin acting like this. Okay. Where are we? Legislator -- are you finished, Legislator Binder?

LEG. CRECCA:

Yes. Yes, he is.

P.O. POSTAL:

Yes, yes, say yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

P.O. POSTAL:

Yes, very good. Legislator Caracciolo. We need a bull horn.

LEG. CARACCIOLO:

I pass.

P.O. POSTAL:

Oh, thank you. Legislator Alden.

LEG. ALDEN:

This letter's being made a part of the record, I'm just making that assumption, and I hope it would be. There were some assurances that were given in the committee and that's why we discharged it to get it before the full Legislative body, especially the things -- I guess it's number one through six would have to be performed with no cost to the County.

LEG. COOPER:

Correct.

LEG. ALDEN:

Also, the sponsor of the resolution did make the representation that there would be a fee charged and --

LEG. COOPER:

Yes. And we have a separate letter that was distributed --

LEG. ALDEN:

Right. No, I'm just --

LEG. COOPER:

-- from Judy Gordon.

LEG. ALDEN:

Just so it goes on the record, and I'll support this as a -- and this is a pilot program, right?

LEG. COOPER:

Yes, a two-year pilot program. Thank you.

LEG. ALDEN:

Good. So I'm going to support it as a pilot program with the assurances that all these will be followed up on. But, also, you as the sponsor have given us that assurance that if they're not, that you'll either modify or you'll do whatever would be necessary to get the Town to comply. Because what the Town's asking us to do is something that they're not performing for the people for their Town either, they're asking us to take on the burden. And there is a liability problem, or potential liability problem.

LEG. COOPER:

Thank you, Cameron.

P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

My question was answered.

P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

Just quickly. When we were in committee, we did discuss the liability problem, and I think Counsel agreed with me. They walk the dogs there anyway. The County owns the property. Insurance- wise --

LEG. COOPER:

If anything, it should --

LEG. NOWICK:

-- we're liable anyway

LEG. COOPER:

It should mitigate the liability risks.

LEG. NOWICK:

If anything, what you're doing is trying to control it a little bit.

LEG. COOPER:

Correct.

LEG. NOWICK:

But either way, you're liable.

LEG. COOPER:

Thank you.

P.O. POSTAL:

All right, let's -- okay. Mr. Sabatino.

MR. SABATINO:

But I did say subject to the "one-bite" doctrine, which is in New York State.

LEG. ALDEN:

For the record, though, I'm a dog and cat lover.

LEG. HALEY:

How do you feel about gerbils?

P.O. POSTAL:

Legislator Nowick, did you?

LEG. NOWICK:

No.

LEG. CARPENTER:

Okay, keep moving.

P.O. POSTAL:

Okay. Legislator Fields.

LEG. BINDER:

Roll call.

P.O. POSTAL:

Wait, wait, wait. Legislator Fields. Can we have your attention, please?

LEG. FIELDS:

I want to commend the author of this or the sponsor of this, because the biggest complaint that I've had all along has been that there was no plan. We finally now see a plan. I'm satisfied with it and I will support it.

LEG. COOPER:

Thank you.

P.O. POSTAL:

Okay. There's a motion and a second. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. CARACCILOLO:

Opposed.

P.O. POSTAL:

Opposed, Legislator Binder.

LEG. CARACCILOLO:

Roll call. Opposed. Opposed.

MR. POLLERT:

No, we just have two opposed.

LEG. CARACCILOLO:

Okay.

MR. BARTON:

16.

P.O. POSTAL:

Legislator Caracciolo, Legislator Binder. 1217 is approved. 1301.

MR. BARTON:

16-2

P.O. POSTAL:

(1301) A Local Law to exempt shooting ranges from Suffolk County noise control).

LEG. FIELDS:

Motion to approve.

P.O. POSTAL:

A motion by Legislator Fields, seconded by Legislator Carpenter.

LEG. TOWLE:

On the motion.

P.O. POSTAL:

All in favor?

LEG. TOWLE:

On the motion.

P.O. POSTAL:

On the motion, Legislator Towle.

LEG. TOWLE:

A couple of questions, if I could, Legislator Postal. Counsel, if I could --

P.O. POSTAL:

Much too noisy.

LEG. TOWLE:

If I could just start with you, just a couple of questions I'd like to ask you. Last year, the Legislature had employed a consultant to do a comprehensive report, actually two reports, one on the environmental concerns of the Trap and Skeet Range, and one in reference to noise abatement. I have a copy of the noise abatement study here. We actually spent \$6,500 to have someone come in and give us recommendations that we put together in an RFP that went out for the Trap and Skeet Range facility. Now, if, in fact, Legislator Fields' resolution is approved, anyone operating that facility would still be forced to comply with any Federal, State, County or local town ordinances or requirements such as the Town of Brookhaven noise ordinance, I guess.

MR. SABATINO:

That's correct. This would only grant an exemption from the Suffolk County noise ordinance provisions.

P.O. POSTAL:**LEG. TOWLE:**

All right. So no matter what happened, if someone was to come in again and bid on this facility which I would assume someone at some the group would be forced to still comply with local town ordinances.

MR. SABATINO:

That's correct. Whatever the provisions are in the town, and I don't know how they impact on this, but whatever they are, they would be applicable.

LEG. TOWLE:

Okay. But, you know, a lot of things were said here today on the record by a lot of folks that came down in support for this resolution in hopes to open the range. And I just want to dispel the necessary connection or the suggested connection that by approving this bill, that that is going to open the range, because I don't believe that is the case.

We talked about income. This morning I had my staff reach out to the Parks Department. In 2000 and 2001, we took in about thirty-eight, 39,000 from the operation of the parks facilities, the Trap and Skeet Range particularly. We put out an RFP that numerous people requested copies for, but only one copy truly responded. That company, you know, responded to the RFP, and clearly, throughout the RFP, in fact, we gave 35 points for capital improvements, plans, environmental concerns, and sound mitigation issues. Clearly, on page 12 of 20 from the RFP, the decibel level suggested was 65 as part of the sound overall plan. There are numerous items throughout the RFP asking the person responding to the RFP from the County to comply with all of these items. And my concern is that a lot of the people that were here today are under some misnomer that should we change this law or exempt the Trap and Skeet Range facility, that that will expedite the opening of the Trap and Skeet Range.

I think what happened is, you know, at least what I've been able to ascertain by looking at the synopsis or the proposal that was submitted by -- let me give you the exact company. That was submitted in -- originally said that the camp store, the Campsite Sport Shop of Huntington Station, they actually say that ranges are noisy, but there's no reason why local residents should have to suffer from the range noise. "After extensive consultation with acoustics experts specializing in noise level reduction, we arrived at a solution to prevent local residents from being deprived of sleep and otherwise disturbed by shotguns reports. Having carefully considered several options, our solutions take the form of an environmentally pleasing wood fence designed specifically for the purpose of noise reduction," etcetera, etcetera, etcetera. They clearly state and respond that they are going to comply with the RFP and to deal with the noise issue, but amazingly enough, when you get to their budget, they only allocated 35 to \$40,000 to deal with the noise abatements.

And what is clear to me, as I look at their budget, their budget was way out of whack in that they could never do the things that they said they were going to do for that amount of money, including the sound abatement plan, which basically puts us in the same spot we would have been in with the last person who ran the range. And that is why we had a problem with the range, because the last person that ran the range did not run the range properly. They did not comply with local laws, they did not have the financial abilities to operate such a facility, because that type of facility, unfortunately, costs a lots of money to operate. No matter how much we do as a County, the overall operations of the facility are going to be extremely high, and the profit margin is not high.

So, therefore, one starts off in a most difficult position to try to make ends meet, and the one thing that we have learned from the last person we had there, they attempted to skimp corners, and because of that, we had to spend almost \$300,000 to do remediation work at Southaven Park.

I'm concerned, because when I look at the Brookhaven Town ordinances, which I did today, their decibel ranges range from 50 on the low end to 70 on the high end, and they vary whether it's a commercial or residential location, and they vary by time, the times of the day that you'd be hearing those noises.

My concern is that the folks that came here today are just in a situation where they believe that this bill is the goose that laid the golden egg, and if we approve this bill, that the County will be able to put out an RFP to get the Trap and Skeet Range opened in a more expeditious manner.

I'm also concerned, because when we embarked upon the studies that the County funded, we spent close to about \$13,000, I think they were both sixty-five hundred dollars, from my recollection, or close to that, the County Executive's representative, Janet DeMarzo, and myself and Legislator Fields had sat with the Presiding Officer, then Paul Tonna, to talk about, you know, where we were going to go with these studies and what was going to happen, and I think we all agreed that we would be guided by the consultants, and that the consultants' recommendations would be included in the RFP, and that the RFP would be put out as quickly as possible, and the County Executive's staff had agreed to expedite that upon the conclusion of the studies, and all of those things happened. And because not many people responded to the RFP, and because the one person who did, obviously, did not fully read the proposal and the things that he needed to do, he has now since decided to withdraw that.

So now we've been put in a situation where the range has continued not to be opened. There are obviously a lot of people that are being inconvenienced by that, and that's obvious and I recognize that. And I've never been opposed to opening the range, as long as we comply with the recommendations of our consultants and with local laws. And my fear is that if we approve this bill tonight, that the thought will be out there clearly that this facility will be able to be opened, and that is just simply not true, because we would be forced once again to comply with local town ordinances, and we have no way to exempt our facility from another level government's requirements and laws. And if we were not to do that, then we really defy what our consultants even have recommended to us, and that is to put a sound mitigation plan in

place that would not have a impact on the community and the surrounding community.

So I'd urge you to carefully consider that when you approve the bill, because this really is not, in my opinion, the solution to the problem. The solution is to put together a comprehensive RFP that will allow someone to come in and operate the facility. If the County is going to be responsible to do some of the things that are too costly for a vendor or developer to do, then that's something we should consider. But I think that also opens an area of concern, because there are a lot of our facilities that cost a lot of money in capital improvements that people have to put into in order to operate. So it's a very tight rope to walk, but I'm -- as I said, I'm just very concerned that this bill will send the wrong message to all of those people that have come here today and in the past two meetings to talk about reopening the facility.

P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

Well, first of all, if you want to talk about complying with laws, then what we have to do at this point is to close our marinas, because the cigarette boats that are docked in those marinas are absolutely violating our own sound ordinance. We also have Fourth of July celebrations where that violates our sound ordinances. In addition, we allow hunting on some of our properties and our parklands and that's going to violate sound ordinances. Besides that, in Brookhaven, they have found a law that it is illegal to discharge firearms on Brookhaven property, which really means they can't even operate on their own range, so that should be closed.

And if you want to just go down, and down, and down, and say, "Well, we have to comply with laws, we just changed a law that we're not allowed to have dogs in parks, but we're changing that, because we are now allowing dogs to be in parks.

The reason that the vendor withdrew was because once he got into it and found it was going to be so expensive that he simply could not do it. And now, if the County's going to look at that and say, "Well, we're not going to put money into it, we aren't going to allow anybody to go into it because we have these laws and the amounts of monies are just too high," then we then have to put 5 million dollars into it to bring it back to County parkland, because that's the law and that's what DEC will make us do.

I believe that we need to at least begin the process of making it easier, slightly easier for a vendor to get in there and be able to operate it. When it comes to money, it wasn't just the money that we received from the vendor and from profits that the vendor was able to give to us, it was the amount of money that Suffolk County residents receive from people that come from all over the country to indulge in tournaments and to utilize the only range in all of Long Island. And we get out of that the shoppers at Tanger, the hotels, the motels, the food stores, the -- every single movie theater, everything that families come out and use this facility for.

So I would ask that we begin the process by approving this. And in addition, I will also move forward to try to do something in the budget and hope that I will have the support of my colleagues to get some money in there to also help a vendor. And the reason that we only had one vendor was because it was absolutely impossible for anyone to do and comply with those laws.

P.O. POSTAL:

Legislator Fisher.

LEG. VILORIA-FISHER:

I have a question for Legislator Towle, since you have the --

P.O. POSTAL:

Just use the microphone, please.

LEG. VILORIA-FISHER:

I'm trying to get it to me. Okay. I just have a question for you, Fred.

LEG. TOWLE:

Okay.

LEG. VILORIA-FISHER:

You have the decibel levels that are under the Brookhaven Town ordinances. Are our restrictions more or less restrictive than those of Brookhaven Town; do you know?

LEG. TOWLE:

Yeah. Let me just get a copy of Legislator Levy's bill.

LEG. VILORIA-FISHER:

The reason I'm asking is that if ours are more restrictive, then this would allow more flexibility to the vendor.

LEG. TOWLE:

To the answer your question, the County law that we're looking to, I guess, provide an exemption for had suggested 50 on the low end to 70 on the high end. That was the decibel level, and as Counsel --

LEG. VILORIA-FISHER:

That's the County?

LEG. TOWLE:

Yeah. And as the Counsel mentioned, I think he took that from the Town of the Smithtown. The Town the Brookhaven has decibel levels from 55 to 75, depending on the time of the day and whether it's commercial, industrial or residential. I have to give you the --

LEG. VILORIA-FISHER:

Okay. So Brookhaven is a little less restrictive.

LEG. TOWLE:

I guess it's less on the one end and higher on the other end, so, I guess, yeah, that would be less.

LEG. VILORIA-FISHER:

Okay. All right. Thank you, Fred.

LEG. TOWLE:

Legislator Fields, I just -- I had --

P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Yeah. I had a couple of questions of you. I've read through the response from the Camp Store, which is about 25 pages, and it's quite apparent to me that, you know, they didn't read the RFP, because they really didn't address a lot of different issues, but I just want to stick to the issue of sound, because in the RFP he was asked, obviously, to do this, and he responded, "We believe we can control level beyond or below 65 decibels by implementing the following changes," and he lists three changes that he's suggesting to make. They're quite lengthy. I mean, I could read them, but, you know, it's basically noise abatement, and he's suggesting that that's going to cost \$40,000.

What I understand is that he realized that that, along with a lot of the other things he thought were going to cost a certain amount of money are turning out to be significantly higher, such as interior painting, exterior painting a new tile floor. All the other things that he's suggesting and giving prices for that are just, you know, ridiculous. Cleaning, upgrade and paint kitchen equipment, he allocated a thousand dollars. You know, he's allocated amounts of money that were just unrealistic in his overall budget, in addition to the noise abatement plan.

And my concern is that I'm not opposed that if we're going to operate the facility, that maybe the County should have to kick in some type of money. I don't know whether or not that's a good or bad thing, so I won't say I'm opposed or for it, but I'm willing to entertain the discussion at least about it. But my concern is that if we exempt them from this law, we can't exempt them from the Town law. And what you're suggesting is that the place be open regardless of the Town law, because --

LEG. FIELDS:

I can't hear you. What was that?

LEG. TOWLE:

What you suggested, or at least how I've interpreted it, is that the facility remain open, regardless of the Town law, because in other instances in other places, we're breaking the law, and, therefore, because we're breaking them there, it's okay to break them here. And I just think it's, you know, the wrong approach. I mean, the next thing, we'll have the vendor coming in and telling us he shouldn't be held to the same Health Department standards that a restaurant is, because he's running a little snack shop and he wants to be exempted from those Health Department requirements. I mean, where does it end that we're exempting people from

requirements.

I didn't establish the decibels. They're not my opinion, they're our consultants' opinion, the very people that you agreed to hire. And I think, to use your words, allow the chips to fall where they may, and they've fallen in a position where a sound abatement plan needs to be done. And the reality is that that sound abatement plan will most likely cost close to a half a million dollars to do it appropriately and professionally.

And there are other laws, in fact, I think one approved by Legislator Fisher, in reference to us being good neighbors. And if we're going to have this facility reopen, I think we have an obligation to make sure that a full sound abatement plan is in place, as our consultants have recommend. And I have said before, privately and publicly, that if the County and/or the vendors comply with all the local laws and put it in a sound abatement plan that will work and the community still has a problem with it, when then that's their problem. But I think they're, at the very least, entitled to that sound abatement plan. And to ignore that or forget to me is just - it's just wrong.

And the people here today, person after person, and I couldn't correct them, unfortunately, because we're not allowed to engage anymore with people here, people really think that if this bill is approved, we're going be able to put out the RFP and make, you know, the Trap and Skeet Range pop open tomorrow, and that's not going to happen, as any of us who have been in County government understand. At the very best, it's going to take at least 120 days to get out a new RFP, to get people to respond to that new RFP, to get the RFP's back, and to get the County look at them and possibly select somebody, at least 120 days. So now we're talking three or four months. We're moving into summer vacations. We're getting closer to Election Day. We would be lucky if the Department of Parks and the County Attorney's Office, been putting out the RFP, could accomplish this by the end of the year, and we're still into the same situation where there's no instance where we've resolved any of these problems.

P.O. POSTAL:

Okay. Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you, Fred. Legislative Counsel, the issue of Town ordinance versus County ordinance, does, in fact, the Town have jurisdiction if this range were to reopen and didn't comply with their

ordinance, to enforce that ordinance and promptly to either shut it or fine the County?

MR. SABATINO:

If the County ordinance is modified to exempt this facility and the Town ordinance is still in effect, the Town ordinance would be applicable subject to whatever its provisions are. It sounds like it's less stringent. I don't know what exemptions they've got, I don't know exactly what the interplay of all of the sections would be, but whoever the vendor would be that would take over the operation of the facility would have to adhere to those Brookhaven restrictions, whatever they are.

LEG. CARACCILO:

Legislator Towle, are you familiar enough with the Town ordinances on noise to specify if somewhere in the Town code there is an exemption for ranges. As Legislator Fields pointed out, they do operate their own range facility. And I can tell you, when I lived in my previous residents in Wading River, which is about four miles due north of the Ridge range, or northeast, the wind blowing out of the southwest or in the summer, which is the prevailing wind, you could hear those shotguns and rifle shots a long -- a long way. Now, they, obviously, at that distance were much under the standard. But at the range, it would just seem odd to me that, as Legislator Fields pointed out, that they have a regulation that in and of itself they are on a regular basis violating. It doesn't make sense.

LEG. TOWLE:

I mean, to answer your question Legislator Caracciolo, the answer is no, with an explanation. I've read through their approximately 25, or 20 to 25 pages, and there really is no -- no direction as far as a trap skeet range or any type of, you know, firearm facility. And they don't refer to firearms in any of the things that they're regulating, at least in the codes that I was given. That's not to say that there is not a code in regards to that. And I think Legislator Fields is accurate. I heard this story about not being able to discharge a firearm on Town property, or what have you.

But, you know, as I look through the RFP, which is, obviously, prepared by the County Attorney's Office, there's a section under Environmental and Sound Legal Compliances, "Proposers are advised that improvements to the facility and ongoing operations at trap and skeet must achieve and maintain compliance with all Federal, State and local laws, codes and ordinances." And that's on Page 14 of 20. And then on Page 15 of 20, it goes on to say that

"The person responding will construct all necessary noise abatement sound mitigation plans, as included in the proposal, significant to achieve the compliance with legal sound level limits of 65 DBA's. Additional noise abatements," Section B, "abatement sound mitigation improvements, even if not included in the proposal, are required to meet legal sound level limits, in the event that the proposed improvements do not significantly meet legal requirements." So, the bottom line is, if -- whatever they do, if it doesn't work, they still have to bring it up to code to make it work. And all I'm saying is that if we do this bill, we provide that exemption, but these requirements are not going to come out of the RFP. Why would the County expose itself to that liability after it's been disclosed that we would not be complying with Town codes.

So if we do this, if we do this, it's not going to guarantee the opening of the facility. And how do we provide such preferential treatment? I mean, there really is an issue now. If I was a person who requested a copy of the RFP and I didn't reply, let's say, because of what the County required, and the County doesn't put out another RFP and it doesn't start from scratch, and we try to give this to the Camp Store guy, we could be sued that, "I didn't respond because I thought I had to do this," and now you've change the law after the fact, after the person responded. I mean, I don't know what Park's plan is.

And for that matter, with all due respect to Legislator Fields, I've never spoke to the vendor. I'd like to see the vendor here. I'd like the vendor to come down and explain to me why, if we abolish this law or give an exemption, it's going to make him -- it's going to make it easier for him as the only person who responded to rerespond and to do a job. It's not going to happen, that's not going to help him. What's going to help him is the financial wherewithal to do the job, or for the County to step up to the plate and to pay for these improvements. I mean, and if that's something we all agree, then we're probably talking three to \$400,000 in equipment, so I've been told from the Parks Department, and almost a half a million dollars, most likely, for the sound abatement plan on the whole concept of the property.

So we're talking almost a million dollars that we'd have to invest in the Trap and Skeet Range to allow somebody to come in and operate it where we may get up to \$26,000 a year in return revenues. I mean, I don't see the financial gain there. And that's not to say that I want to hurt those people that want to enjoy that sport. I mean, I think there's a lot of people that made a very compassionate speech here today about the issue. And, you know, it's -- no matter what you do, either side -- you know, either side comes up on the short end of the stick. But I think we have an obligation to not defy and ignore the laws and close our eyes and look the other

way, I mean, and that's what we're suggesting to do.

LEG. CARACCILO:

I think that's a very valid point, so --

P.O. POSTAL:

Mike.

LEG. CARACCILO:

Yes.

P.O. POSTAL:

I didn't notice you being recognized.

LEG. CARACCILO:

No, he was responding --

LEG. TOWLE:

I was responding to his question.

P.O. POSTAL:

Oh, okay.

LEG. CARACCILO:

I had the floor.

P.O. POSTAL:

Well --

LEG. CARACCILO:

He just responded to my question.

P.O. POSTAL:

Okay. Go ahead, go ahead.

LEG. CARACCILO:

So I want to go --

P.O. POSTAL:

Go ahead.

LEG. CARACCILO:

-- go back to the issue of noise.

P.O. POSTAL:

And, Mike, I would really like to go to a vote after you have the opportunity to speak.

LEG. BISHOP:

Motion to close debate.

LEG. CARACCILO:

Okay. Several speakers earlier today made reference to the County's pistol range facility for the Police and Sheriff's Departments at Gabreski Airport.

LEG. GULDI:

No, that's not there.

LEG. CARACCILO:

Oh where is it now, George? It's up the road, Old Country Road.

LEG. GULDI:

It's on Old Country Road near the BOMARC site.

LEG. CARACCILO:

Okay.

LEG. GULDI:

It's not at Gabreski Airport.

LEG. CARACCILO:

I stand corrected. Counsel, are those facilities operating in conformance with local County, State and Federal law in terms of the noise limits?

MR. SABATINO:

I don't know. It's not a legal issue, it's a factual question. I --

LEG. GULDI:

Yeah. I'm familiar with them, because my home is located approximately three-and-a-half miles from the range, and I -- you can regularly hear from my home the practice drills there, particularly since you have a large number of officers firing simultaneously, practicing for long periods of time, day and night. They do their night qualification at that range, and there is no way it could possibly be in compliance with the current County law.

LEG. CARACCIOLO:

Who within the County or under the County law, Counsel, has the responsibility of enforcing this provision of law?

LEG. GULDI:

The Police Department.

LEG. ALDEN:

Legislator from the First District.

LEG. TOWLE:

That's a motion, I'll second it.

MR. SABATINO:

Well, in the -- I mean, everybody does. I mean, in the cases of County-owned facilities or County land, it's the departments. With respect to private areas, it's law enforcement people, because there are certain provisions that deal with those types of penalties, so it's an array of people.

LEG. CARACCIOLO:

It would seem to me, then, to have some conformity with practice that this law needs to be amended. If it's not being enforced -- now it doesn't exempt the possibility, as Legislator --

LEG. VILORIA-FISHER:

Towle?

LEG. CARACCILOLO:

Towle.

LEG. GULDI:

Towle would be his name, yes.

LEG. CARACCILOLO:

T-O-W-L-E.

LEG. TOWLE:

Eyesight.

LEG. GULDI:

Come here. I'll give you a quarter so you don't forget his name.

LEG. CARACCILOLO:

I wanted to make sure you were awake, Fred.

P.O. POSTAL:

Okay.

LEG. CARPENTER:

Let's vote already.

P.O. POSTAL:

All right. There's a motion to close debate.

LEG. LINDSAY:

Second.

P.O. POSTAL:

And a second.

LEG. CARACCILOLO:

Oh, are we going to stifle debate? Dave, where are you?

LEG. GULDI:

He made the motion.

P.O. POSTAL:

Could we get all Legislator back here?

LEG. CARPENTER:

He made the motion.

LEG. FIELDS:

He made the motion.

LEG. CARACCILOLO:

Oh, he made the -- okay.

P.O. POSTAL:

There's a motion to --

LEG. CARPENTER:

That's how severe it is.

LEG. TOWLE:

On the motion to close debate.

P.O. POSTAL:

There's a motion to close -- oh.

LEG. GULDI:

Not a debatable motion.

LEG. VILORIA-FISHER:

We have to stand up to stay awake.

P.O. POSTAL:

Can we avoid debating the motion to close debate? Can we just vote.

LEG. FIELDS:

Can we get Legislators in?

LEG. ALDEN:

Roll call.

P.O. POSTAL:

We're getting the Legislators in here.

LEG. ALDEN:

Roll call.

P.O. POSTAL:

Well, let's see if everybody comes back in without that.

LEG. BISHOP:

I'll withdraw it if he would just -- if we could just wrap this up.

P.O. POSTAL:

Well --

LEG. TOWLE:

Yeah, I only had one question. Actually, it was a question --

P.O. POSTAL:

Oh, good, go ahead.

LEG. TOWLE:

-- of the bill's sponsor. I really would like to give either the Parks Commissioner and I'd like to

ask the vendor to come to our next meeting to see how this is going to help them and what their plan is to get this RFP put back out again. And I would ask her to consider tabling it one meeting to have those two people come and speak. And that was my only question. I won't ask --

LEG. FIELDS:

The Parks Department is willing at some point to put out another RFP, although they did not want to put out another one, because only one vendor applied and he withdrew. So to them it was fruitless and took too much time for nothing.

Secondly, if you don't reopen this place, you then have to spend.

5 million dollars to clean it up. So your question about the cost savings is certainly that it would cost much less to leave it --

LEG. BISHOP:

I mean, if you keep it open, you don' have to clean it up.

LEG. FIELDS:

That's correct, if you keep it open, you do not have to clean it up. If you close it --

LEG. TOWLE:

That's assuming somebody else didn't do the cleanup.

LEG. FIELDS:

And no one else responded. So, you know, the vendor did not want to be liable, according to the law. The County would not assume the liability if someone sued, so that's why they backed away. That's the answer to your question.

P.O. POSTAL:

Now, do we --

D.P.O. CARACAPPA:

He asked if you would table it. He asked if you would table it.

LEG. FIELDS:

No.

P.O. POSTAL:

Do we have a motion?

LEG. FIELDS:

No, I don't want to table it. This is 20 months that this facility has been closed, 20 months that we're not receiving revenues from it, and 20 months that we are stopping all the residents in Suffolk County who would like to use this facility from using it.

P.O. POSTAL:

We have, I believe, a motion and a second?

MR. BARTON:

Yes.

LEG. GULDI:

Yes. Roll call.

LEG. CRECCA:

To approve.

P.O. POSTAL:

Roll call. This is to approve.

MR. BARTON:

Legislator Fields.

LEG. CRECCA:

Did you make a motion to table?

LEG. TOWLE:

I'm going to make a motion to table.

LEG. FIELDS:

A motion to approve, yes.

LEG. CRECCA:

Is there a second?

LEG. TOWLE:

I don't know.

MR. BARTON:

Legislator Carpenter.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Do it. I'll second it.

P.O. POSTAL:

All right.

LEG. TOWLE:

There's a motion to table and a second.

P.O. POSTAL:

There's a motion to table and a second.

LEG. CRECCA:

One cycle, Legislator Towle?

LEG. TOWLE:

One cycle. I'd like to get the Parks Commission and the vendor down.

P.O. POSTAL:

Okay. Let's do a roll call on the tabling motion, Henry.

(Roll Called by Mr. Barton, Clerk)

LEG. TOWLE:

Yes.

LEG. CRECCA:

Yes.

LEG. CARACCIOLO:

Sure.

LEG. GULDI:

No.

LEG. VILORIA-FISHER:

Pass.

LEG. HALEY:

No.

LEG. FOLEY:

No to table.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No to table.

LEG. CARPENTER:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

Nope.

D.P.O. CARACAPPA:

One cycle, yeah.

MR. BARTON:

I'm sorry. What did you say?

D.P.O. CARACAPPA:

One cycle, sure.

P.O. POSTAL:

No.

LEG. VILORIA-FISHER:

No.

MR. BARTON:

Five.

P.O. POSTAL:

Okay. So we have a motion to approve and a second.

MR. BARTON:

I'll continue where I left off.

P.O. POSTAL:

Yes, please.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Abstain.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. POSTAL:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

16-1 and 1 abstention.

P.O. POSTAL:

1301 is approved. Yes, that was a long time. **1350 - Directing the reopening of County parks.** Approved out of Parks 6-0. Motion by Legislator Fields to approve.

LEG. GULDI:

Second. Cosponsor.

LEG. CARACCILO:

Explanation.

LEG. FOLEY:

I'll second

P.O. POSTAL:

Excuse me. Wait, wait, wait.

LEG. FOLEY:

I'll second.

P.O. POSTAL:

Second by Legislator Foley, Legislator Caracappa, Legislator Caracciolo, Legislator Guldi.

D.P.O. CARACAPPA:

Now, I'm sure this is directed at the mid year --

P.O. POSTAL:

Can we just --

D.P.O. CARACAPPA:

-- or the first quarter closings of the -- as prescribed by the County Executive. Now, he has reopened those parks, so this would render this moot?

LEG. FIELDS:

He wanted to reopen them by raising fees. I think that he did not realize that those fees could not be used in 2003, they could only be used in 2004. He suggested reopening them by raising the fees and using that as an offset to reopen the parks. This bill was put in just to reopen them. As we asked BRO, they told us that the money is in their budget. They don't have to do anything, it's in the budget to have the personnel that they would need to hire to reopen them.

P.O. POSTAL:

Legislator Caracappa.

D.P.O. CARACAPPA:

Currently, they are open, though.

LEG. FOLEY:

No, closed.

D.P.O. CARACAPPA:

But they're still closed?

LEG. FOLEY:

Closed.

D.P.O. CARACAPPA:

Lake Ronkonkoma Park?

LEG. FIELDS:

I don't know.

D.P.O. CARACAPPA:

Legislator Crecca, it's in your district.

LEG. CRECCA:

The commitment I have is it will be open before Memorial Day.

P.O. POSTAL:

Brian, be patient.

D.P.O. CARACAPPA:

Okay.

LEG. CRECCA:

Just to clarify that, Joe --

P.O. POSTAL:

Caracciolo and then you.

LEG. FOLEY:

They're still closed.

D.P.O. CARACAPPA:

And, Legislator Guldi, the park in your district?

LEG. GULDI:

It's all closed.

LEG. FOLEY:

It's closed right now.

D.P.O. CARACAPPA:

Okay.

LEG. CRECCA:

Correct.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

The fourth "whereas" clause speaks to the vacancy of six positions in the Parks Department. And is the assertion here that with this resolution --

P.O. POSTAL:

Can everybody please be quiet? It's very hard to hear the speaker.

LEG. CARACCIOLO:

The resolution speaks to six vacancies in the fourth "whereas" clause. Is the assertion here that by approving this resolution, those vacancies would be filled? As we know from past experience, we pass many resolutions here that are not enacted, so I'll support the resolution, but I don't think it's any guarantee that there'll be any rush to hire these individuals to reopen these

facilities. So while the intent is noble, I'm not so sure it's going to be met.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

I hope that we could approve this today. As we speak, the two parks are still closed. They'll be -
- according to the County Executive, they won't be open any sooner than the end of this month, so all the more reason that we pass this now, so we can send a strong message that they need to be opened as quickly as possible, and that they can be opened without raising the fees.

Thank you.

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Cosponsor.

P.O. POSTAL:

Is that -- oh, certainly. Legislator Crecca.

LEG. CRECCA:

Thank you. If I could ask Todd to come up from the County Executive's Office, or anybody else who's familiar with this. A few weeks back, the County Executive indicated that he was reopening the parks, made a commitment that he would reopen all the parks before the season, which was explained to me as prior to Memorial Day, and I want to know what the status of the County Executive's -- what his position is now and what his intention is.

MR. JOHNSON:

No. I believe you correctly stated it, the position of the County Executive. The parks will be open as of right now, with no further action needed by the Legislature. It will be fully staffed. The six positions should be filled, and the parks should be open without a need to increase any parks fees at this time.

LEG. CRECCA:

I think that answers it for me.

LEG. CARACCILOLO:

I've got a question.

P.O. POSTAL:

Okay.

LEG. CARACCILOLO:

Question.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILOLO:

I appreciate your answer, Todd. The six personnel that apparently were assigned to parks were reassigned elsewhere; is that what --

MR. JOHNSON:

No. I believe they were newly filled positions.

LEG. CARACCILOLO:

So the vacancies have been filled.

MR. JOHNSON:

Yes.

LEG. CARACCILOLO:

And there's --

MR. JOHNSON:

That's my understanding, yes.

LEG. CARACCCILOLO:

Okay. So you're saying that this is really an academic move on the Legislature's part.

MR. JOHNSON:

I would say so.

LEG. CARACCILO:

Okay. And they will be in place to reopen the parks by Memorial Day.

MR. JOHNSON:

Yes. That was the commitment made at the press conference held about two weeks ago, I believe, two-and-a-half weeks ago.

LEG. CARACCCIOLO:

Were there any Legislators at that press conference?

MR. JOHNSON:

I believe there was one. Legislator Crecca was at the press conference.

LEG. CARACCILO:

Okay. Thank you.

P.O. POSTAL:

Okay. We have a --

LEG. GULDI:

I have one.

P.O. POSTAL:

I'm sorry. Legislator Guldi.

LEG. GULDI:

All of that have being said, is that like the 20 pounds you need to lose?

MR. JOHNSON:

That was just a start, just like this.

P.O. POSTAL:

Okay.

LEG. CRECCA:

Motion to --

P.O. POSTAL:

We have a motion and a second, I believe, Henry.

LEG. CRECCA:

Motion to table.

P.O. POSTAL:

Motion to table by Legislator Crecca.

LEG. CARACCCIOLO:

Second.

P.O. POSTAL:

Second by Legislator -- who was that?

LEG. CARACCCIOLO:

Me.

P.O. POSTAL:

Caracciolo. On the motion to table.

LEG. CRECCA:

On the motion.

LEG. BISHOP:

No, come on.

P.O. POSTAL:

Oh, let's just go to a vote.

LEG. CRECCA:

All right. Then let's go to a roll call, yeah.

P.O. POSTAL:

All in favor of tabling? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. CRECCA:

Roll call.

LEG. GULDI:

Roll call.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

Yes, to table.

LEG. VILORIA-FISHER:

No.

LEG. HALEY:

Yes.

LEG. FOLEY:

This is to table? No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No, to table.

LEG. CARPENTER:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

No.

D.P.O. CARACAPPA:

Sure.

P.O. POSTAL:

No.

MR. BARTON:

Seven.

P.O. POSTAL:

Okay. There's a motion to approve?

MR. BARTON:

Yes.

P.O. POSTAL:

And a second. All in favor?

LEG. BINDER:

Roll call.

P.O. POSTAL:

Roll call.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILO:

Pass.

LEG. GULDI:

Yes.

LEG. TOWLE:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

Pass.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Yes.

LEG. BISHOP:

You're all going to vote for it. Yes.

LEG. BINDER:

Pass.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Abstain.

P.O. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes

LEG. TOWLE:

Abstain.

LEG. HALEY:

No.

LEG. CRECCA:

Abstain.

LEG. BINDER:

No.

MR. BARTON:

12.

P.O. POSTAL:

Okay. **1350** is approved. **1352 - To expand audit of Friends of Long Island Heritage.**

LEG. BINDER:

Motion.

P.O. POSTAL:

Legislator Binder, motion to approve?

LEG. BINDER:

Motion to approve.

LEG. FIELDS:

Second.

P.O. POSTAL:

Second by Legislator Fields. All in favor? Opposed?

LEG. TONNA:

Opposed.

P.O. POSTAL:

Opposed, Legislator Tonna.

MR. BARTON:

17-1.

P.O. POSTAL:

1352 two is approved. **1362 - Appointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Kimberly Prokop).** I'll make a --

LEG. CARACCILO:

Motion to table.

LEG. TOWLE:

Second.

P.O. POSTAL:

Let me just say, on the motion to table, this person is the choice of the Town Supervisor. She came before the committee. Legislator Caracciolo was there at the time and --

LEG. CARACCILO:

Where?

LEG. FIELDS:

No.

P.O. POSTAL:

No, was not there.

LEG. CARACCILO:

No.

P.O. POSTAL:

But he had a -- he arranged a private meeting with this lady.

LEG. CARACCILO:

Which will take place this Thursday.

P.O. POSTAL:

And, you know, I would be interested in knowing what the reason is to table this.

LEG. CARACCILO:

Very simply, it's a representative from my district. Legislator Fields has been critical of certain Park Trustees. The one in the Town of Southold was asked to step aside, he did so at my request, and I'd like to make certain that his replacement is a suitable one. And I will be meeting with her on Thursday and that's a reasonable request, and that was conveyed to the Chairman of the Parks Committee last week.

P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

I had reached out to the Legislator from the district several months ago to ask him to appoint this person, since the Supervisor had sent a letter, and there was refusal, I think, and he just didn't really want to do it, and so that's why the Presiding Officer has appointed this woman. She did come to the Parks Committee and answered any of our questions. This is actually from the Supervisor of the Town and, you know, as we've done consistently for the most part, this

body usually does go along with what the Supervisors of the community say.

LEG. BISHOP:

On the motion.

LEG. CRECCA:

On the motion.

P.O. POSTAL:

On the motion Legislator Bishop, Legislator Crecca.

LEG. BISHOP:

Yeah. I fear that if we don't grant Legislator Caracciolo his request, we will endanger the appointment. Why don't we just -- he has a meeting set up, you know, for Thursday. We could take this up at the next meeting. If we don't give him the courtesy and you force the vote, you may end up, you know, harming this nomination when it doesn't need to occur.

LEG. CRECCA:

It's a reasonable --

LEG. BISHOP:

I would support the --

LEG. CRECCA:

It's a reasonable request that the Legislator is making.

LEG. BISHOP:

He's got the meeting set up, so it's, you know --

P.O. POSTAL:

Legislator Caracciolo, after you meet with Miss Prokop, unless there's something that you can share with us that's objectionable about her, would you support her appointment?

LEG. CARACCILOLO:

Well, I'm going to reserve judgment on that decision until I meet with her. I mean, looking at

her resume, she looks qualified, but I'd like to reserve judgment until I've actually had a face-to-face opportunity to raise some issues, like alienation of parkland, which is very important to me, and other issues of substance, and that's the reason for the request.

LEG. GULDI:

Yeah, it's his district.

LEG. CRECCA:

Roll call.

P.O. POSTAL:

Roll call. Legislator Fields?

LEG. FIELDS:

I'll second your motion to table.

P.O. POSTAL:

Okay. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Okay. **1362** is tabled. **1381 - Appropriating funds in connection with the improvements at County marinas.** Motion to approve by Legislator Carpenter

LEG. FIELDS:

Second.

P.O. POSTAL:

Seconded by Legislator Fields. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. FIELDS:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Pass.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. BISHOP:

He left.

LEG. FOLEY:

He left.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK.

Yes.

LEG. BISHOP:

Yes. I'm sorry.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. GULDI:

Yes.

MR. BARTON:

17, with one not present on the bond. (Not Present: Leg. Haley)

P.O. POSTAL:

Same motion, same second, same vote. 1383 -- 82.

LEG. GULDI:

Motion.

P.O. POSTAL:

Oh, I'm sorry. **(1382 - Appropriating funds in connection with improvements at County golf courses-West Sayville and Indian Island).**

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion by Legislator Fields, seconded by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Haley)

P.O. POSTAL:

Same motion, same second, same vote. **1383 - Appropriating funds (in connection with**

improvements at County golf courses - Timber Point).

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by myself.

LEG. BINDER:

On the motion.

P.O. POSTAL:

On the motion.

LEG. BINDER:

Madam Chair, I wanted to get maybe some information from Budget Review. How much are we -
- how much have we now invested in Timber Point with this and the next appropriations? And
how long has this been since we've first made our first appropriations? It's got to be four or five
years already that we're trying to fix this golf course, that I still think has momentous problems,
my understanding is.

MR. REINHEIMER:

Okay. Are you asking specifically for this capital project or all projects at Timber Point?

LEG. BINDER:

Well, the bigger picture from -- we originally did like a \$250,000 or more, I can't even
remember what it was, maybe four or five years ago, and there was a question whether we
should I think --

LEG. BISHOP:

No, he doesn't have the information. Why don't we --

MR. REINHEIMER:

Yeah, I don't have that information right now.

LEG. BISHOP:

-- ask him for a memo from them about the --

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Can we, please, have quiet, and can one of us speak at a time? Legislator Caracciolo.

LEG. CARACCILO:

Would Legislator Binder yield for an answer?

LEG. BINDER:

Sure.

LEG. CARACCILO:

Okay. Allan, as I recall, we probably have approved resolutions that total into the range of about 2 million dollars for golf course improvements at Timber Point.

LEG. BINDER:

At just Timber Point.

LEG. CARACCILO:

That's correct.

LEG. BINDER:

So we're now in the millions of dollars.

LEG. TONNA:

That's nothing for golf courses.

LEG. BINDER:

Well, and it's taken years.

LEG. CARACCILOLO:

That's -- yeah.

LEG. BINDER:

And the improvement -- the improvements are not there, from what my understanding is, compared to --

LEG. CARPENTER:

That's totally false.

LEG. CARACCCIOLO:

That's not correct.

LEG. BINDER:

Compared to --

LEG. CARACCILOLO:

I have to tell you --

LEG. BINDER:

No. Compared to where we should be over the number of years we're talking about. I think we've made a mistake. I think we've made that mistake four years ago, and I think we're starting to throw good money after bad.

LEG. CARACCCIOLO:

Madam Chair, if I could just clarify the record. Recently, Legislator Alden, Fields, and myself attended a Parks Trustees meeting at Timber Point, and I can tell you, both -- Legislator Alden have made frequent visits there, not to play golf, but to observe the progress of the golf course improvement project. And it's taken a long time, I'll grant you that, it's taken a lot of money, but you're talking about a course that was substantially below sea level and flooded very frequently. So a lot of that money will be -- has been well spent and I think, when it reopens, I think it's July?

LEG. CARPENTER:

July.

LEG. CARACCILO:

There's going to be a ribbon-cutting in July, you should attend that and be very proud of the investment we're making there.

P.O. POSTAL:

Okay.

LEG. TONNA:

I mean, maybe people are forgetting, this is a 27-hole course also. This is a golf course-and-a-half.

P.O. POSTAL:

Legislator Tonna. This is not just one golf course.

P.O. POSTAL:

You have jumped ahead of I don't know how many people. Legislator Bishop, did you want to --

LEG. BISHOP:

No.

P.O. POSTAL:

Okay. Legislator -- that was not Crecca? Carpenter.

LEG. CARPENTER:

I just wanted to mention also that while all of these renovations were being done, 18 holes were always open, so the course was never closed to the public. And we now, in July, the final nine holes will be open, so we'll have the -- there's only one other public 27-hole course, and it will increase the amount of outings that can be held there, so we really will be seeing and increase in revenue. But all the time the renovations were being done, revenue was still coming in. And even before we started the renovations, this particular golf course was in the black, even though it was in pitiful condition. So by us investing the monies that we've invested in this golf course, this will wind up being a premier golf course, and we will, you know, realize a lot of revenue for it.

P.O. POSTAL:

Legislator Tonna.

LEG. TONNA:

Just as far as golf courses go and as far as capital money, this is a drop in the bucket, this isn't a lot. This is not even close to being a lot.

LEG. BISHOP:

It aspires to being a lot.

LEG. TONNA:

And, well, all I can tell you -- no, I would never do that. I would probably get a letter for the people I take. Anyway, this is a small amount of money. Two million dollars is not a lot of money for a golf course.

P.O. POSTAL:

Okay. We have a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk).

LEG. CARPENTER:

Yes.

P.O. POSTAL:

Yes

LEG. CARACCILOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Abstain.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

16, 1 abstention and 1 not present on the bond. (Not Present: Leg. Haley)

P.O. POSTAL:

Same motion, same second, same vote. **1384 - Appropriating funds in connection with the construction of a maintenance building at Timber Point Country Club.**

LEG. CARPENTER,

Motion.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by myself. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

P.O. POSTAL:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yep.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

16-1 and 1 not present on the bond. (Not Present: Leg. Haley)

P.O. POSTAL:

Same motion, same second, same vote. 1385 - Appropriating funds in connection with improvements to historic sites and buildings at the Third House, Montauk.

LEG. FIELDS:

Motion.

P.O. POSTAL:

Motion by Legislator Fields.

LEG. GULDI:

My motion.

P.O. POSTAL:

Second by Legislator Guldi. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FIELDS:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Haley)

P.O. POSTAL:

Same motion, same second, same vote. **1386 - Amending the 2003 (Capital Budget and Program by appropriating funds in connection with the purchase of heavy duty equipment for County parks.**

LEG. CARPENTER:

Motion.

P.O. POSTAL:

A motion by Legislator Carpenter, seconded by myself. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

P.O. POSTAL:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

17, 1 not present on the bond.

P.O. POSTAL:

Same motion, same second, same vote. **1387 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with paving improvements and lighting at County parks.**

LEG. CARACCIOLO:

Motion.

LEG. GULDI:

Second.

P.O. POSTAL:

Motion by Legislator Caracciolo, seconded by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Haley)

P.O. POSTAL:

Same motion, same second, same vote. **1388 - Amending the 2003 Capital Budget and Program and appropriating funds (in connection with the removal of toxic and hazardous materials in County parks).**

LEG. CRECCA:

Motion.

LEG. CARPENTER:

Second.

LEG. FIELDS:

Second.

P.O. POSTAL:

Motion by Legislator Crecca, seconded by Legislator Fields.

LEG. CARACCILO:

On the motion.

MR. SABATINO:

It requires 14 votes.

P.O. POSTAL:

On the motion, Legislator Caracciolo. This requires 14 votes.

LEG. CARACCILO:

Okay. Just an explanation what hazardous materials and in what facilities?

LEG. VILORIA-FISHER:

Thank you. I was going to ask that.

LEG. CARACCILO:

Is this the range?

P.O. POSTAL:

Can -- Legislator Caracciolo has asked about what toxic facilities were --

LEG. CARACCIOLO:

What hazardous materials in what County parks?

P.O. POSTAL:

Yeah. Can anybody answer that question?

LEG. BISHOP:

Motion to table. We'll take it up next time.

LEG. FIELDS:

No. No, it's legitimate.

P.O. POSTAL:

Motion to table.

LEG. FIELDS:

No.

P.O. POSTAL:

Well, does anybody have an answer?

LEG. CARACCIOLO:

Well, do we have the information?

P.O. POSTAL:

Does anyone have an answer?

LEG. VILORIA-FISHER:

On the backup it says asbestos, lead and PCB's.

LEG. FIELDS:

Right.

LEG. CARACCIOLO:

Where, from what facility?

LEG. VILORIA-FISHER:

Its says --

LEG. CRECCA:

Various.

LEG. NOWICK:

From any of them, various.

LEG. VILORIA-FISHER:

Restoring parks or historic structures.

LEG. BISHOP:

It's everywhere.

LEG. CARACCIOLO:

Did that include the range?

LEG. TOWLE:

Motion to table.

LEG. FIELDS:

No.

P.O. POSTAL:

Well, let's -- we have a motion to table this. Is there a second?

MR. SABATINO:

Any County park where they find it is what this --

P.O. POSTAL:

Second by Legislator Carpenter. Let's --

LEG. CARACCIOLO:

What's the motion?

P.O. POSTAL:

Can we --

LEG. TOWLE:

Table it.

P.O. POSTAL:

There's a motion to table.

LEG. CARACCIOLO:

Oh, okay.

P.O. POSTAL:

Can we ask the Chair of the Parks Committee to get information before the next meeting, so that we can answer this question?

LEG. ALDEN:

Todd gave it to us.

P.O. POSTAL:

He did? All right.

LEG. CRECCA:

She laid it out on the record at the Parks Committee.

P.O. POSTAL:

Just wait, wait, wait.

LEG. BISHOP:

Lay it out next time. Let's go.

P.O. POSTAL:

Where is Todd? Todd is not here.

LEG. BISHOP:

Oh, no, no, no. That's the whole point of the tabling motion.

P.O. POSTAL:

Todd is not here. Okay. There's a motion to table and a second.

LEG. GULDI:

On the motion.

P.O. POSTAL:

All in favor?

LEG. GULDI:

On the motion.

LEG. BISHOP:

It's not time contingent.

LEG. GULDI:

On the motion, yeah. One of the concerns I have is that one of the --

P.O. POSTAL:

I can't -- I'm sorry, there's a lot of talking. I can't hear you.

LEG. GULDI:

One of the problems I have with the tabling is, "Removal of toxic and hazardous materials discovered in County parks will be in accordance with Federal and OSHA regulations, to the extent tabling this delays the compliance with OSHA regulations and puts us in violation.

LEG. BISHOP:

You think they just discovered this stuff last week and they're moving expeditiously?

LEG. GULDI:

I'm sure they didn't. That's one of the concerns I have with moving it -- not moving it forward.

LEG. CARPENTER:

I'll withdraw it. Withdraw the tabling.

LEG. CRECCA:

Withdraw the tabling.

LEG. FOLEY:

Madam Chair, let's move forward and we can get the list.

P.O. POSTAL:

Could we all, please, be recognized before speaking? Legislator Foley.

LEG. FOLEY:

Let's move it tonight and then we'll get the list within the week's time, and if people aren't happy with the list, then we can make adjustments to it in the near future.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILOLO:

Madam Chair, the backup indicates that this is part of Capital Project 7185. I've just requested the Clerk to get book. We could look it up, and unless it says "various", as the Clerk thinks it might, maybe we'll get the specifics we need to make an intelligent vote.

P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

I don't think it's unreasonable -- I don't think it's unreasonable to ask for a list of locations. And if they didn't present the list locations at the Parks Committee --

P.O. POSTAL:

Okay. Let's skip over this.

LEG. TOWLE:

Then let's table it one meeting.

P.O. POSTAL:

Let's skip over this. And, Henry, get us a list.

LEG. CARACCILO:

They're getting the list.

LEG. FOLEY:

We're getting the list.

LEG. FIELDS:

We're getting it.

PUBLIC SAFETY& PUBLIC INFORMATION

P.O. POSTAL:

Public Safety. **To establish -- 1219 -- special hauling fees and fines for County Police Department.** Motion, Legislator Carpenter, second, Legislator Towle. All in favor?

LEG. VILORIA-FISHER:

Cosponsor.

LEG. FIELDS:

Cosponsor.

P.O. POSTAL:

Cosponsor, Legislator Fields.

LEG. CARACCILO:

Cosponsor.

LEG. VILORIA-FISHER:

Cosponsor.

P.O. POSTAL:

Legislator Caracciolo. Is there anyone who does not want to cosponsor this resolution?

LEG. TONNA:

Dave Bishop.

LEG. FIELDS:

Dave.

P.O. POSTAL:

David Bishop. Everyone, except Legislator Bishop, to be listed as a cosponsor.

D.P.O. CARACAPPA:

Me, too.

P.O. POSTAL:

And --

D.P.O. CARACAPPA:

I don't want to be a cosponsor.

P.O. POSTAL:

And Legislator Caracappa.

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

Legislator Foley. Okay. We have a motion and a second. All in favor? Opposed? Okay.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

1219 is approved. **1237 - Renaming County Road 31.** Approved 5-0-0-1.

LEG. FOLEY:

What's the name?

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Yeah. In 1995, after the wildfires, we named it "Volunteers Way". I've been asked to sponsor the resolution to rename it Volunteers Way Sunrise Wildfires" to specify what it was Volunteers Way in connection.

P.O. POSTAL:

It's going to take a big sign.

LEG. NOWICK:

Second.

P.O. POSTAL:

It's going to take a big sign. Motion by Legislator Guldi.

LEG. GULDI:

Two lines.

P.O. POSTAL:

Seconded by Legislator Caracappa.

LEG. CRECCA:

Excellent job, George.

P.O. POSTAL:

All in favor? Opposed.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley).

P.O. POSTAL:

1237 is approved. **1270 - Amending the 2003 (Capital Budget and Program and appropriating funds in connection with the repowering of Police patrol Boats).** Motion by Legislator Carpenter, seconded by Legislator Foley. Roll call.

MR. SABATINO:

Three-quarters vote again.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yep.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

Postal.

MR. BARTON:

17, 1 not present on the bond. (Not Present: Leg. Haley)

P.O. POSTAL:

Same motion, same second, same vote.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Did you call my name?

MR. BARTON:

Yes.

P.O. POSTAL:

I didn't vote, but I'll say yes.

MR. BARTON:

I heard you say yes.

P.O. POSTAL:

What a vivid imagination.

LEG. BISHOP:

Let's finish the agenda.

P.O. POSTAL:

Let's -- can we just move along?

LEG. CARACCILO:

The Clerk was correct on 1388, the capital project does not specify which facilities.

LEG. FIELDS:

Right.

LEG. CARACCILO:

So let's table it, let's find out where they are.

P.O. POSTAL:

Okay. Motion by Legislator --

LEG. CARACCIOLO:

Table.

P.O. POSTAL:

-- Caracciolo, seconded by Legislator Towle to table. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. GULDI:

Roll call.

P.O. POSTAL:

I don't think we need a roll call. We have -- I think the Clerk has a handle --

LEG. CARACCIOLO:

14-vote resolution.

D.P.O. CARACAPPA:

Four, five, six.

LEG. FOLEY:

Six.

P.O. POSTAL:

Yeah.

LEG. CARPENTER:

Okay, it's tabled.

P.O. POSTAL:

So it's tabled. Todd, I see you -- where is Todd? Is Todd still here?

LEG. FIELDS:

He can hear you, though.

P.O. POSTAL:

He can hear me. I would -- we would like to have a list of those projects that are referred to in this resolution and where they are. We're moving to --

MR. BARTON:

The votes 11-6, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

Okay. **1280 - Appointing David Carrigan (as a member of the Suffolk County Fire, Rescue and Emergency Services Commission.**

LEG. BISHOP:

Motion.

P.O. POSTAL:

Motion by Legislator Bishop.

LEG. CARPENTER:

Second.

P.O. POSTAL:

Seconded by Legislator Carpenter.

LEG. ALDEN:

On the motion.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

Just very quickly, whose place is he taking, and does that person know he's being replaced?

MR. SABATINO:

He's replacing Ralph Martin, Jr. I don't know if the individual knows.

LEG. TOWLE:

Yeah, I believe -- if I may, Legislator Postal.

LEG. ALDEN:

I'll yield, Freddy.

LEG. TOWLE:

Yeah. Just to answer your question, Cameron, he -- not only did he show up to the meeting as a volunteer, but he is an appointment by an organization, and they have recommended him via a letter, and that's what the County Executive did in regards to this resolution. I mean, I don't know if the person that was there before was notified, but, you know, that would be a question for the County Executive's Office. But that question was asked of him how he came about being appointed and he was voted as the representative of a particular organization.

LEG. ALDEN:

Okay.

P.O. POSTAL:

And if I could ask, Legislator Towle, that was the impression that I had of all of these. We received a letter requesting the appointment of these gentlemen.

LEG. TOWLE:

A couple did not -- a couple did not show up to the committee, though, after repeated calls.

P.O. POSTAL:

Okay.

LEG. TOWLE:

But we did have conversations with them and there's going to be a meeting with some of them at the FRES Committee, because they couldn't make day meetings.

P.O. POSTAL:

Okay. And those will be tabled when we --

LEG. TOWLE:

Well, no, they were approved, too. I think two people didn't make it to the meeting out of five.

P.O. POSTAL:

Yeah. But those who didn't, we certainly respect your wish to table those.

LEG. TOWLE:

No. As a courtesy to them, but since they are volunteers, they're going to -- we're going to meet with them at the FRES Committee.

P.O. POSTAL:

Okay. So 1280, do we have a motion to approve and a second? All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

1280 is approved. **1284 (Approving the reappointment of Edward Walsh as a member of the Suffolk County Fire, Rescue and Emergency Services Commission).** Same motion, same second, same vote

MR. BARTON:

17. (Not Present: Leg. Haley)

D.P.O. CARACAPPA:

Motion.

P.O. POSTAL:

1282 (Approving the reappointment of Kenneth Capon as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Same motion -- was that Legislator Caracappa?

D.P.O. CARACAPPA:

Yeah.

P.O. POSTAL:

Motion by Legislator Caracappa, seconded by Legislator Lindsay. All in favor? Opposed.

MR. BARTON:

17. (Not Present: Leg. Haley)

P.O. POSTAL:

1282 is approved. **1283 (Approving the reappointment of Vincent Bologna, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commission).**

Same motion, same second, same vote.

MR. BARTON:

17.

P.O. POSTAL:

1284 (Approving the reappointment of Richard Keller as a member of the Suffolk County Fire, Rescue and Emergency Services Commission). Same second, same vote.

MR. BARTON:

17.

P.O. POSTAL:

1308 (Appointing Edward A. Carpenter, Jr. As a member of the Suffolk County Vocational, Education, and Extension Board). Same motion -- no. Sorry. A motion by Legislator Lindsay, seconded --

LEG. CARPENTER:

Second.

P.O. POSTAL:

-- by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley).

P.O. POSTAL:

1308 is approved.

VETERANS & SENIORS COMMITTEE

We are going to go to the Veterans and Seniors. **1262 - Approving the appointment of Timothy R. Edwards as a member of the Senior Citizens Advisory Board.** Motion by Legislator Lindsay.

LEG. TOWLE:

Second.

P.O. POSTAL:

Second by -- I don't know who that was. Legislator Towle. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

1262 is approved. **1294 - Designating day to acknowledge contributions of members of Armed Forces serving in Iraqi Freedom War.** Motion by Legislator Caracciolo.

LEG. CARACCILO:

Counsel.

MR. SABATINO:

You're going to have to table that, because the dates that were put in were April 30th or May 7th. The bill was filed a long time ago, but the Committee never got to deliberate.

LEG. CARACCILO:

We'll table. Motion to table.

P.O. POSTAL:

Motion to table by Legislator Caracciolo, seconded by Legislator Bishop. All in favor? Opposed?
1294 is tabled.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

Sense 18 - Memorializing resolution requesting the State of New York maintain magnitude of veteran's exemption. Motion by Legislator Crecca?

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Second.

P.O. POSTAL:

Seconded by Legislator Carpenter. All in favor? Opposed? Sense 18 is approved.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

Sense 36 - Memorializing resolution requesting government to restore veterans' benefits. Motion by Legislator Caracappa, seconded --

LEG. FIELDS:

Second.

P.O. POSTAL:

-- by Legislator Foley.

[COSPONSOR SAID IN UNISON BY LEGISLATORS]

I think we would all like to cosponsor this, Mr. Clerk.

MR. BARTON:

Who made the motion and the second?

LEG. CARPENTER:

Even Dave.

MR. BARTON:

I couldn't hear.

LEG. CARPENTER:

Even Dave.

P.O. POSTAL:

Even David.

LEG. CRECCA:

List me first, though, Henry.

P.O. POSTAL:

Because David really thought of it.

LEG. BINDER:

He didn't work on it, but --

P.O. POSTAL:

All along. It's to restore veterans benefits.

LEG. BISHOP:

That's something I've spoken to you about.

P.O. POSTAL:

I know.

MR. BARTON:

Legislator Postal.

P.O. POSTAL:

I know. We recognize that that's close to your heart. All in favor? Opposed? Sense 36 is approved. Now -- no?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley).

MR. BARTON:

Who made --

P.O. POSTAL:

The sponsor or the maker of the motion.

MR. BARTON:

On 36. Yeah, we can't hear.

P.O. POSTAL:

Maker of the motion was Legislator Caracappa, second was the person who had it in his heart all along, Legislator Bishop.

MR. BARTON:

Thank you.

P.O. POSTAL:

And was unanimously approved. Now we have two CN's here. We have -- and I think they're being -- three?

D.P.O. CARACAPPA:

No, two, two.

P.O. POSTAL:

I only have two.

MS. BURKHARDT:

There's only two.

P.O. POSTAL:

1412 - Amending the 2003 Operating Budget, and transferring and appropriating funds to cover the deficiency of appropriations in Fund 105. Motion by Legislator Caracappa, seconded by Legislator Binder. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

Next CN is **1475, which is authorizing appropriation for Memorial Day observance at Pinelawn National Cemetery.**

LEG. CARACCILO:

Madam Chair.

LEG. LINDSAY:

Madam Chair.

P.O. POSTAL:

Yes.

LEG. LINDSAY:

The only thing wrong with that resolution is the entire Veterans and Seniors Committee were cosponsors on that.

P.O. POSTAL:

Okay.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Then let's just list the entire Veterans and Seniors Committee as cosponsors. And we have --

LEG. BINDER:

List the whole legislature.

LEG. ALDEN:

Madam Chair.

P.O. POSTAL:

Yes, that's probably something that we would like. All of us would like to, I assume. Now we have a motion to approve by Legislator Lindsay.

LEG. CARACCILO:

I'll second the motion.

P.O. POSTAL:

We had a second by Legislator Caracciolo.

LEG. CARACCILO:

But I'd like to --

P.O. POSTAL:

And on the motion, Legislator Caracciolo.

LEG. CARACCILO:

-- request from Counsel as a Scrivener's error. As Legislator Lindsay recalls last year, when this resolution was taken up, there was an oversight of not providing a similar benefit for the Calverton National Cemetery.

MS. BURKHARDT:

This is both.

P.O. POSTAL:

It's both of them.

LEG. CARACCIOLO:

Oh, both, okay. I only saw Pine Lawn. Okay, great. Thank you, Bill.

MR. SABATINO:

No. We amended the law in the intervening period. It wasn't an oversight, it was just they were never a part of the statute. We amended the law subsequent to that, now this one picks up everybody.

LEG. CARACCIOLO:

Thanks, Bill.

P.O. POSTAL:

Okay. We have a motion and a second to approve. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)

LEG. ALDEN:

Madam Chair, I just --

P.O. POSTAL:

Yes, Legislator Alden.

LEG. ALDEN:

To interrupt, then, while we did 1412, we did it a little quickly, I have to put something on the record, that last year, just so that we're all aware of this, we actually transferred money out and spent it, so we spent money that was earmarked for snow plowing and now we're actually putting more money in there. So I don't know if I can, but I'd like to change my vote to either a no or abstention.

D.P.O. CARACAPPA:

Motion to reconsider 1412.

P.O. POSTAL:

Yeah, I don't know -- did you call the vote on that?

MR. BARTON:

Yeah.

P.O. POSTAL:

Okay. Why don't you make --

LEG. ALDEN:

I understand. I understand.

P.O. POSTAL:

Okay. All right. We have -- let's see. We have some -- did we have another CN?

D.P.O. CARACAPPA:

Senses.

LEG. FIELDS:

Senses.

D.P.O. CARACAPPA:

Madam Chair.

P.O. POSTAL:

Wait, wait, wait. Let's do the senses.

D.P.O. CARACAPPA:

Madam Chair.

SENSE RESOLUTIONS

P.O. POSTAL:

We have **Sense 4 (Memorializing resolution requesting mandatory HIV and Hepatitis C**

testing of incarcerated prostitutes or their patrons). Approved 4-0-0-1 out of Education and Youth. I'll make a motion to approve.

LEG. FOLEY:

Second.

LEG. BISHOP:

On the motion.

P.O. POSTAL:

Yes.

LEG. BISHOP:

I just want to point out to my colleagues that every single Sense Resolution is sponsored by a Democrat.

LEG. FOLEY:

Thanks, Dave. Thanks.

LEG. BISHOP:

And we often at Organization Days --

P.O. POSTAL:

David.

D.P.O. CARACAPPA:

That's not true.

LEG. BISHOP:

-- Democrats say, "We shouldn't have so many Sense Resolutions.

P.O. POSTAL:

David, you just condemned them to failure.

D.P.O. CARACAPPA:

I've got two of them.

P.O. POSTAL:

Okay.

D.P.O. CARACAPPA:

I got two.

LEG. BISHOP:

Oh, you had two, but they only arrived today.

LEG. CARPENTER:

I have one.

D.P.O. CARACAPPA:

Correct.

LEG. BISHOP:

So thank you.

P.O. POSTAL:

Could we -- David was in a hurry a little while ago. Evidently, he's changed his position. We have a motion and a second on Sense 4. All in favor? Opposed?

LEG. VILORIA-FISHER:

I'm opposed, Henry.

LEG. GULDI:

Abstention.

D.P.O. CARACAPPA:

Madam Chair.

P.O. POSTAL:

Yes.

LEG. FOLEY:

Call the vote.

P.O. POSTAL:

I'm sorry.

LEG. FOLEY:

Call the vote.

P.O. POSTAL:

Yeah, I did.

D.P.O. CARACAPPA:

After he calls the vote, I'd like to be recognized.

MR. BARTON:

15-1, 1 abstention, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

Sense 4 is approved. **Sense 21 - Memorializing resolution requesting the State of New York to implement Suffolk County Red Light Running Law.** Motion to approve by Legislator Lindsay, seconded by Legislator Caracappa. All in favor? Opposed?

LEG. CARACCILO:

Opposed.

LEG. BINDER:

Opposed.

P.O. POSTAL:

Opposed. Legislator Caracciolo, Legislator Binder.

MR. BARTON:

15-2, 1 not present. (Not Present: Leg. Haley).

P.O. POSTAL:

Sense 21 is approved. Sense 23.

LEG. CARACCIOLO:

It's a one-house bill in Albany, it's only in the Assembly, not the Senate.

LEG. FOLEY:

Okay.

P.O. POSTAL:

(Sense 23) Memorializing resolution requesting the State of New York to implement fair market rental policy to prevent homelessness.

LEG. FIELDS:

Explanation.

P.O. POSTAL:

Approved 4-0-0-1. Legislator Lindsay, would you like to explain it or --

LEG. LINDSAY:

Sure. What we're asking the State of New York to do is to establish a market -- fair market value by regions. In other words, right now, if someone is homeless, we're allowed to pay "X" number of dollars to keep them in their home. It's the same amount as in Elmira, New York. You can get an apartment in Elmira, New York, I think it's like \$450, or something like that. You can't get an apartment down here.

P.O. POSTAL:

Okay. We have a motion and a second? No?

MR. BARTON:

I don't have anything.

P.O. POSTAL:

We have a motion by Legislator Lindsay, seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Haley)

P.O. POSTAL:

Sense 23 is approved.

LEG. CARACCILO:

Cosponsor.

LEG. CRECCA:

Cosponsor.

LEG. VILORIA-FISHER:

And me, Ilona.

P.O. POSTAL:

Does anyone object to being listed is a cosponsor?

LEG. BISHOP:

Yes, I do.

P.O. POSTAL:

Everyone, except Legislator Bishop, is to be listed as a cosponsor.

LEG. BISHOP:

But I support it.

P.O. POSTAL:

He supported it.

LEG. CRECCA:

Sense 24, come on.

P.O. POSTAL:

Sense 24 - Memorializing resolution requesting State of New York to reject Pataki public library system cuts.

LEG. CARACCIOLO:

Cosponsor.

LEG. GULDI:

Cosponsor.

P.O. POSTAL:

Motion to approve by Legislator Cooper, seconded by Legislator Caracciolo.

LEG. FOLEY:

Cosponsor.

P.O. POSTAL:

All in favor? Opposed?

LEG. CRECCA:

Opposed.

P.O. POSTAL:

Opposed, Legislator Crecca. And I believe cosponsored by everyone, except Legislator Crecca.

LEG. TONNA:

I don't want to cosponsor.

LEG. BINDER:

I don't want to cosponsor.

P.O. POSTAL:

All Legislators --

LEG. BISHOP:

Setting up for the primary. Pataki's going to fund them next year.

LEG. TONNA:

I don't want to cosponsor.

P.O. POSTAL:

Or Legislator Binder or Legislator Tonna. But the rest of us are to be listed --

LEG. CRECCA:

Henry, list me as an abstention.

P.O. POSTAL:

Okay. Sense 25 - Memorializing resolution requesting --

MR. BARTON:

15, 1 abstention, 2 not present. (Not Present: Legs. Haley and Alden)

P.O. POSTAL:

Sense 24 is approved. **(Sense 25) Memorializing resolution requesting the State of New York to extend Beverage Container Deposit/Refund Law.**

LEG. FOLEY:

Motion.

P.O. POSTAL:

Motion by Legislator Foley.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Fisher. All in favor?

LEG. VILORIA-FISHER:

Cosponsor, Henry.

LEG. BINDER:

Opposed.

P.O. POSTAL:

Opposed?

LEG. COOPER:

Cosponsor, please, Henry.

P.O. POSTAL:

Cosponsor -- opposed, Legislator Binder, Legislator Fisher, and Legislator Nowick would like to cosponsor.

LEG. FIELDS:

And myself.

P.O. POSTAL:

And Legislator Fields. Sense --

LEG. FOLEY:

Thank you.

MR. BARTON:

15-1, 2 not present. (Not Present: Leg. Haley and Alden)

P.O. POSTAL:

Sense 25 is approved. Sense 26 - Memorializing resolution requesting State of New York to require hospital emergency rooms to provide emergency contraception to rape victims.

Approved 3-0-1-1. Motion by
Legislator Fisher.

LEG. TONNA:

Opposed.

P.O. POSTAL:

Seconded by --

LEG. TONNA:

Opposed.

P.O. POSTAL:

-- Legislator Tonna.

LEG. TONNA:

No, no.

P.O. POSTAL:

No, no.

LEG. TONNA:

Opposed.

P.O. POSTAL:

Oh, you're opposed. That seemed strange to me.

LEG. FIELDS:

Legislator Fields.

P.O. POSTAL:

Legislator Fields. All in favor?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Opposed? Raise your hands if you're opposed, so the Clerk can see who you are. Legislator Caracciolo, Legislator Crecca, Legislator Binder, Legislator Tonna, Legislator Towle.

LEG. TONNA:

Joe.

LEG. CRECCA:

Joe.

LEG. TONNA:

Joe.

D.P.O. CARACAPPA:

Oh.

LEG. CRECCA:

Joe.

P.O. POSTAL:

Oh.

LEG. CRECCA:

Raise your hand.

P.O. POSTAL:

And Legislator Caracappa.

MR. BARTON:

11-5, 2 not present. (Not Present: Legs. Haley and Alden)

P.O. POSTAL:

Sense 26 is approved. Thank you. **Sense 28 - Memorializing resolution requesting State of New York to restrict light pollution.** Legislator Cooper.

LEG. COOPER:

Motion.

P.O. POSTAL:

Motion to approve.

LEG. FOLEY:

Second.

P.O. POSTAL:

Second by Legislator Foley. All in favor? Opposed?

LEG. BINDER:

Opposed.

P.O. POSTAL:

Legislator Binder is opposed.

LEG. TONNA:

Oh, I'm opposed to this, too.

LEG. FOLEY:

We're going to put a bright light right in front of your house.

LEG. TONNA:

No way. I'm opposed to it.

P.O. POSTAL:

Legislator Tonna, and Legislator Crecca are opposed.

LEG. CARACCILO:

Oh, whoa, whoa. Where are we, Madam Chair.

LEG. TOWLE:

Me, too.

P.O. POSTAL:

We're on Sense 28.

LEG. CARACCILO:

Opposed.

P.O. POSTAL:

And Legislator Caracciolo is opposed.

MR. BARTON:

12-4, 2 not present. (Not Present: Legs. Haley and Alden)

P.O. POSTAL:

Sense 28 is approved. **Sense 29 - Memorializing resolution calling for the Governor and the State Legislature to cap Medicaid now.** Motion to approve.

["NOW" SAID IN UNISON BY LEGISLATORS]

P.O. POSTAL:

Now. Second --

LEG. CRECCA:

Cosponsor.

LEG. CARPENTER:

Cosponsor.

["COSPONSOR" SAID IN UNISON BY LEGISLATORS]

P.O. POSTAL:

Everyone is cosponsoring --

LEG. TOWLE:

Everyone except Dave.

P.O. POSTAL:

-- except -- no?

LEG. BISHOP:

No, but I support it.

P.O. POSTAL:

Seconded by Legislator Fields. Legislator Bishop is not cosponsoring, but he is --

LEG. GULDI:

Yes, he is.

P.O. POSTAL:

Are you cosponsoring?

LEG. BISHOP:

No, I'm not, but I support it.

P.O. POSTAL:

No, but he is in strongest support. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Haley and Alden).

P.O. POSTAL:

Sense 29 is approved. **Sense 30 - Memorializing resolution calling on the President and the United States House of Representatives to support (an increase in Federal Medical Assistance Percentage (FMAP) to provide New York counties and Medicaid relief).**

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Motion by Legislator Carpenter.

LEG. CRECCA:

Second. Cosponsor.

P.O. POSTAL:

Second by Legislator Crecca, cosponsor. All in favor?

["COSPONSOR" SAID IN UNISON BY LEGISLATORS]

Opposed? Now, anyone who would not like to be listed?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Haley and Alden)

P.O. POSTAL:

This is approved. Anyone who would not like it be listed as cosponsor, please?

LEG. BINDER:

Except for Dave.

P.O. POSTAL:

Legislator Bishop would not like to be listed as a cosponsor.

LEG. BISHOP:

But I support it.

P.O. POSTAL:

But he strongly supports this.

LEG. CRECCA:

Could you please overnight this, Henry, to the President.

MR. BARTON:

Absolutely. I'll drop it off. I'll drive it there myself.

P.O. POSTAL:

Sense 31 - Memorializing resolution requesting equitable distribution of Federal World Trade Center medical screening kit. Motion by Legislator Lindsay.

LEG. FOLEY:

Second.

LEG. GULDI:

Second.

P.O. POSTAL:

Seconded by Legislator Foley. Legislator Lindsay, would you explain this to us.

LEG. LINDSAY:

Sure. Last year, there was almost 12 million dollars appropriated to examine relief workers that were exposed to the World Trade Center collapse, and out of the 12 million dollars, probably only about \$230,000 of it was -- went to Long Island hospitals, although 30% of the workers that went in there on a relief mission came from Long Island. And we're just asking for a separate appropriation, because now there's 90 million dollars for long-term screening that --

LEG. BINDER:

Okay.

LEG. LINDSAY:

Okay.

P.O. POSTAL:

All in favor?

LEG. FOLEY:

Cosponsor.

LEG. TOWLE:

Cosponsor.

P.O. POSTAL:

Opposed?

LEG. BINDER:

Cosponsor.

LEG. CARPENTER:

Cosponsor.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Haley and Alden)

LEG. BINDER:

Everyone, except Dave.

P.O. POSTAL:

Anyone who does not want to cosponsor this, please raise your hand. Legislator Bishop, being consistent, does not wish to cosponsor this.

Sense 33 - Memorializing resolution requesting State of New York to implement 211 Program. And I'm going to make a motion to approve. For those of -- second by Legislator Foley.

LEG. FOLEY:

Yes.

P.O. POSTAL:

Those of us who don't remember when we went through this before, this is creating an alternative number --

LEG. BINDER:

No.

P.O. POSTAL:

-- for nonemergencies, so that people who try to call 911 and can't get through because the lines are clogged. We had a young lady killed right here in Suffolk County, because the police -- her mother couldn't get through.

LEG. BINDER:

Madam Chair, could I just -- does this have anything to do with Hillary Clinton's new 211 for -- she has -- she just put in legislation to create a 211 for Social Services.

P.O. POSTAL:

No, no. This is just to create a different number, so that you can call and complain about a barking --

LEG. BINDER:

Well, then we better get it before Hillary does. That's a hot number now.

P.O. POSTAL:

Well, this is a different issue. I hear that there's now a 211, but it has --

LEG. GULDI:

Did you say Hillary is a hot number?

LEG. BINDER:

I wouldn't say that. I'm Orthodox, I would never say that.

P.O. POSTAL:

Okay, I'm sorry. This is different. This is Social Services information. This is Social Services information, not alternative -- 811 was the other number.

LEG. BINDER:

On the motion.

P.O. POSTAL:

Yes.

LEG. BINDER:

This basically is Social Services on demand. They want New York State, they're looking for Federal people. We're going to have to hire a bureaucracy of people to direct people to Social Services on demand. This is something I would opposed and hope everyone else does.

P.O. POSTAL:

Well, that's fine, you can certainly do that. I can tell you my office does it, so it probably would relieve my office of some calls for help, if people could secure the help on their own. All in favor? Opposed?

LEG. BINDER:

Opposed.

MR. BARTON:

15-1.

D.P.O. CARACAPPA:

I'll oppose it, too.

P.O. POSTAL:

Okay.

LEG. CRECCA:

Yeah, I'll abstain.

LEG. CARPENTER:

I'll abstain.

P.O. POSTAL:

Sense 35 - Memorializing resolution requesting New York State --

MR. BARTON:

12-2-2. (Not Present: Legs. Haley and Alden)

P.O. POSTAL:

-- Legislature to reject Governor Pataki's proposal (to eliminate school psychologists from school special education committees).

LEG. CARPENTER:

Motion.

P.O. POSTAL:

A motion by Legislator Carpenter, seconded by Legislator Lindsay. Could somebody explain this

to me? You know, why would it be advantageous to eliminate school psychologists from school special education?

LEG. FIELDS:

The Governor.

P.O. POSTAL:

The Governor is --

MR. SABATINO:

The Governor proposed that this --

LEG. FIELDS:

We're rejecting.

P.O. POSTAL:

I see.

MR. SABATINO:

Right.

P.O. POSTAL:

I think that it certainly doesn't make any sense to eliminate people who have knowledge and expertise to --

LEG. CARPENTER:

He's probably going to change his mind when he gets this sense resolution.

P.O. POSTAL:

I know he will, right away. Hey, listen. Frankly --

LEG. FOLEY:

He's waiting for this as we speak, you know. He's at the second floor in the Capital Building waiting for this. He told his staff, "When the Legislature approves it in Suffolk, transmit it directly."

P.O. POSTAL:

Okay. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Haley and Alden)

P.O. POSTAL:

Sense 35 was approved.

D.P.O. CARACAPPA:

Madam Chair.

P.O. POSTAL:

Okay.

D.P.O. CARACAPPA:

Madam Chair.

P.O. POSTAL:

Sense 37.

D.P.O. CARACAPPA:

I have to make a motion to waive the rules, lay on the table and approve **Sense 37.**

P.O. POSTAL:

This is a **Memorializing resolution --**

D.P.O. CARACAPPA:

Memorializing resolution requesting State --

P.O. POSTAL:

-- **requesting the State of New York to reopen the Port Jefferson Station Department of Motor Vehicles.** We have a motion

["NOW" SAID IN UNISON BY LEGISLATORS]

D.P.O. CARACAPPA:

Now.

P.O. POSTAL:

We have a motion to waive the rules, lay this on the table and vote on it by Legislator Caracappa, seconded by Legislator Towle.

LEG. VILORIA-FISHER:

This is in my district, second.

P.O. POSTAL:

Okay. Seconded by Legislator Fisher.

LEG. TOWLE:

I want to second it.

P.O. POSTAL:

I don't think so. All in favor? Opposed? And everyone would like to be listed as a cosponsor, except for Legislator Bishop.

LEG. BISHOP:

But I'm in strong support.

P.O. POSTAL:

But he strongly supports it. Okay.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Haley and Alden)

LEG. CARPENTER:

I would like to make a motion to waive the rules, lay on the table and approve Sense 43, a resolution requesting Federal Government to allow local schools to train Air Traffic Controllers.

["NOW" SAID IN UNISON BY LEGISLATORS]

LEG. CARPENTER:

Now, now.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Haley and Alden)

P.O. POSTAL:

Sense 43 is approved. **Home Rule Message Number 3. This is a Home Rule to allow Suffolk County to install and operate Red Light Camera Program.**

LEG. CARACCIOLO:

One-House bill.

P.O. POSTAL:

Motion. It's a one-house bill.

["NOW" SAID IN UNISON BY LEGISLATORS]

But maybe the Senate will be encouraged.

D.P.O. CARACAPPA:

Second.

P.O. POSTAL:

Motion by Legislator Lindsay, seconded by Legislator Caracappa. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. BINDER:

Opposed.

LEG. CARACCILOLO:

Opposed.

LEG. BINDER:

Opposed, Henry, now.

MR. BARTON:

14, 2 not -- 2 nos. (Not Present: Legs. Haley and Alden)

P.O. POSTAL:

That's approved. Now, I have a motion by Legislator Cooper, seconded by Legislator Tonna, to waive the rules and lay on the table 1469, assigned to Ways and Means; 1470, assigned to Ways and Means; 1472, assigned to Ways --

MS. BURKHARDT:

71.

P.O. POSTAL:

71, assigned to Ways and Means; 1472, assigned to ELAP.

LEG. CARACCILOLO:

Cosponsor.

P.O. POSTAL:

1473, assigned to ELAP; and 1474, assigned to Ways and Means. All in favor? Opposed?

LEG. FIELDS:

Motion to adjourn.

P.O. POSTAL:

Motion to adjourn, seconded by Legislator Bishop. The meeting is adjourned.

[THE MEETING WAS ADJOURNED AT 9:05 P.M.]

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